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OF THE

# ASSEMBLY

OF THE

## STATE OF NEW YORK,

ONE HUNDRED AND SEVENTEENTH SESSION.

1894.

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VOLUME XVI — No. 89 — PART II.

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JAMES B. LYON, STATE PRINTER.
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# REPORT AND PROCEEDINGS

OF THE

# STATE BOARD OF CHARITIES

RELATIVE TO THE

# MANAGEMENT

OF THE

# STATE REFORMATORY AT ELMIRA.

## VOLUME II.

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TRANSMITTED TO THE LEGISLATURE MARCH 19, 1894.

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Q. So far as his treatment of others was concerned, what can you say? A. He always treated every one the same as he treated me as long as he behaved himself.

Q. With reference to the officers using profane language to inmates, ever hear anything of that kind? A. Citizen, officer or inmate?

Q. Any of them? A. I never heard an officer use profane language.

Q. What have you got to say in reference to the inmate monitor system? A. I thought it was a very good system.

Q. Did you ever act as inmate monitor yourself? A. Yes; I was a monitor about a year in all, I think.

By Dr. Smith:

Q. Were the schools any benefit to you? A. Yes, sir; a great benefit.

Q. How much education had you when you went there? A. I had a fairly good education when I went there, but the lectures were very good.

Q. How far did you advance while you were there? A. I was as far advanced as B class; I didn't want to go any higher.

Q. Why didn't you follow your trade after you came out? A. I was in kind of delicate health, and Mr. Brockway took me from my trade and gave me an easy position there; I had considerable sickness.

Q. Did you learn your trade fully? A. Oh, yes; I know a good deal about the brass finishing trade.

By Judge Gilbert:

Q. What employment did Mr. Brockway set you at after he took you from the brass foundry? A. I was a messenger.

Q. Go outside of the reformatory? A. All over inside of the reformatory.

By Dr. Smith:

Q. Did you have a choice of trades when you went there? A. No, sir; I was asked if I had learned a trade.

Q. Were you asked if you preferred any particular trade? A. Yes, sir.

Q. You were put at the trade you wanted? A. Yes, sir; I was put at the trade I asked to go at.

By Judge Gilbert:

Q. Were you known or called, while in the reformatory, Lady Baldwin among the inmates? A. No, sir; not to my knowledge I was not.

Q. Was a complaint made against you for making an improper request of a man by the name of Dohnme ? A. Yes; he reported me for asking him to make up my examination mark.

Q. You denied that charge ? A. Yes, sir; I denied it.

Q. Was it true or not ? A. It was not true.

Q. Was it cancelled ? A. No; it was not cancelled; I couldn't bring evidence to prove it was not true, and one man's word was as good as another.

Q. Did you receive that mark or charge from an inmate monitor ? A. No; from the school secretary.

Q. Did you plead guilty to the charge that was made against you when you were arrested ? A. I did, sir.

Q. You still say that the charge against you was true ? A. Yes, sir.

Q. But you don't wish to relate the circumstances ? A. No, sir; I prefer not to.

Q. I am requested to ask the witness to state the circumstances under which the offense was committed ? A. I prefer not to tell him; there is nothing in it to interest anybody; it does not concern the institution or does not concern anybody else only myself.

Judge Gilbert.— Allow me to say this: The witness has stated frankly that he was arrested for a certain offense, that he plead guilty, and it was true. Now he is brought here before the committee under a certain pledge, that is, that he should not be required to state anything which would lead to his identity. It may be if he is required to go on and state all the particulars relating to this offense that it would be in fact complete identification.

Mr. White.— He did not object to it on that ground.

Mr. Litchfield.— If he does not wish to answer that question the committee does not care to press it.

Judge Gilbert.— These ex-convicts that come in before this committee should be shielded as far as possible from exposure. I know if I had been there and been discharged I should not want any set of men to compel me to spread my offense before the public.

Mr. Litchfield.— The committee wish to have these convicts come before us and testify freely and frankly, and if they dread they will reveal their identity we will not get at the truth of this question. Give us the facts relating to his conviction, it may result in his being identified, and if he dreads that result may occur he will be too guarded in his other answers; therefore the committee do not desire to have that question pressed.

Judge Gilbert.— If, in answer to the question: "Were you guilty?" he should say he was not, and attempt to evade a truthful answer, then I think he should be cross-examined about it.

Mr. Babcock.— That presents a very different case, but here he admits the offense.

William Wilson, No. 8, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Have you ever been in the Elmira reformatory? A. Yes, sir.
Q. When were you sent there? A. August 13, 1892.
Q. From what place? A. New York city.
Q. For what offense? A. Grand larceny.
Q. What degree? A. Second.
Q. Did you plead guilty? A. Yes, sir.
Q. The charge was true? A. Yes, sir.
Q. What was it that it was claimed you had stolen? A. Appropriated money which I had collected.
Q. What amount? A. One hundred and nine dollars and thirty-four cents.
Q. What was your employment at the time? A. Office boy, collector and advertiser.
Q. The charge was true? A. Yes, sir.
Q. When were you discharged from the reformatory? A. October 4, 1893.
Q. What was your age when you were sent there? A. Twenty-one.
Q. While in the reformatory were you punished? A. No, sir.
Q. Never was in the bath-room? A. I was in there, but I never was punished.
Q. Were you ever punished in any other way than by being paddled? A. No, sir.
Q. What trade did you learn while you were there? A. Stenography, typewriting and typesetting.
Q. Had you any trade before you went there? A. No, sir.
Q. What trade have you followed since you left there? A. Stenography and typewriting.
Q. What wages do you get? A. At present six dollars a week.
Q. What class were you placed in when you first entered the school? A. B.
Q. What class were you in when you left the reformatory? A. A class until six months before I left; then I was graduated from the class altogether.
Q. You went through with all the studies required of an inmate? A. Yes, sir.

Q. What position did you hold in the reformatory; that is, in the military or any other? A. Secretary to the colonel and quartermaster-sergeant of the regiment.

Q. Did you hold any other position in the reformatory? A. No, sir.

Q. What have you to say with reference to the effect which this confinement has had upon you? A. Had the effect of making me a great deal better man than I was before I went there.

Q. How were you treated by Mr. Brockway? A. First-class.

Q. So far as you observed, what was his treatment toward the other prisoners? A. As far as I could observe, he was lenient with men whom he thought were trying to do right; men whom he thought were careless and didn't care about getting along he would punish them by reporting them, or, as I have heard, take them to the bath-room.

Q. You don't know, of your own knowledge, of inmates being taken to the bath-room? A. I know of one that I saw after he come out; I have known of several; I was in the army office on military afternoon and saw from three to eight men come out about three Saturdays in the month; they were all laughing and joking and didn't seem to mind it much after they came out.

Q. Are you still on parole? A. Yes, sir.

Q. When will your parole terminate? A. I expect the middle of April next.

Q. Do you know that your parole may not terminate until the maximum term for which you might have been sent to prison for the offense which you committed, expires? A. I do.

Q. It may not expire? A. It may not expire until August 13, 1897.

Q. Is your evidence affected in any way by that thought or consideration? A. Not in any way at all.

Q. Can you tell how it is you are called here as a witness? A. Because I volunteered.

Q. To whom? A. Mr. Hoppe; I wrote him a letter.

Q. Without being requested by anyone to do so? A. Without being requested by anyone.

Q. You have been making your monthly reports since you have been released from the reformatory to the agent here in New York? A. Yes, sir.

Q. Do you live in Brooklyn or New York? A. Brooklyn.

Q. Was any charge made against you while you were in the reformatory? A. Charge of agreeing to smuggle in contraband information; that was termed crookedness.

Q. That was true? A. Yes, sir.

Q. You weren't punished? A. No, sir; I got a report.

Q. You say so far as you know or saw the paddling that was inflicted by Mr. Brockway only caused the inmates to laugh and joke? A. Those men that came to the army office, as a rule, always laughed and joked about it.

Q. Did you see any that didn't laugh or joke? A. Never saw one who was crying; I have seen a majority of them laughing; the rest of them were afraid of being reported and didn't say anything.

Q. Do you mean to say, in relation to Mr. Brockway's treatment of the inmates being kind, etc., that you never saw any whose eyes were blackened or who had marks upon their faces?

Mr. Babcock.— I thought you had concluded not to go into that.

Judge Gilbert.— That is true; whether or not that question whether Mr. Brockway's treatment of the inmates is always kind does not open the door, if they insist upon it.

Mr. Stanchfield.— When you ask a witness what Mr. Brockway's treatment is you ask him as to what he saw; when you ask him as to a man getting a black eye that is necessarily hearsay.

Dr. Smith.— It did appear before they saw others with black eye and that question has not been put to these witnesses.

Mr. Stanchfield.— I was remonstrating with Judge Gilbert about it; we were going to answer that with another class of proof than this. We are calling these men upon a different theory; when it comes to the black eyes we will have a defense on that issue. I don't want to be overstrenuous about it. I don't want to put a witness on feeling the doors are going to be opened.

Judge Gilbert.— The reason why I put the question is this; the witness stated that he saw inmates coming out of the bath-room in connection with the kind manner in which Mr. Brockway treated the inmates after they had been punished, laughing and joking, and, I think, when he made that statement it opened the door upon cross-examination as to whether or not he didn't also see inmates coming from the bath-room where they had been punished with bruises upon them, indicating they had been severely punished.

Mr. Litchfield.— I think the door is open to that question.

Mr. Babcock.— The evidence to which Judge Gilbert alludes was brought out upon the cross-examination; it was not brought out upon the direct.

Judge Gilbert.— Mr. Babcock requested me to ask the witness a question, what did he observe in reference to Mr. Brockway's

treatment or bearing toward the other inmates, and I asked that question, and in response to that he gave the answer that he did, and while I have no desire to follow up that inquiry, yet I felt I was under obligation to ask the question.

Mr. Litchfield.— The committee will allow the question.

Q. Do you mean to say in relation to Mr. Brockway's treatment of the inmates being kind, etc., that you never saw any whose eyes were blackened or who had marks upon their faces, which were received in the bath-room ? A. I don't know where they were received, but a man came in the printing office one day with a black eye; I was an inmate there, not a sergeant or monitor, and I had no right to question him where he got it.

Q. Do you know he had been in the bath-room just before that ? A. I don't know that he had; no.

Q. Do you know that he received that bruise, whatever it was, in the bath-room ? A. No, sir; but I heard a rumor.

Q. Of your own knowledge ? A. No, sir.

Q. You may strike that out; do you now say, under oath, that you don't know, of your own knowledge, of any inmate being severely punished in the bath-room ? A. No, sir.

By Dr. Smith:

Q. Did you frequently see men with their faces blackened and black eye ? A. No, sir; only on one occasion while I was there.

By Judge Gilbert:

Q. Did you work next to or were you acquainted with an inmate named John Witzman ? A. Yes, sir.

Q. Don't you remember he had a black eye ? A. I don't remember it; no, sir; I didn't see him until he had been in the solitary probably five days.

Q. Do you know of his having been in the solitary ten days ? A. He told me so himself.

Q. That is stricken out; don't you know before he was put in the solitary he was taken to the bath-room and punished ? A. No, sir.

Q. Do you know of his being put in the seclusion cells ? A. Only what he told me himself.

Q. Did your duties as an officer require you to go around past the seclusion cells ? A. No, sir.

Q. You don't know anything about the confinement of prisoners there ? A. No, sir.

Q. What opportunities had you, while you were there, to see the inmates, to be around with them ? A. I was around; I had, I

can say, more privileges than any other inmate in the place in regard to going around.

Q. Why? A. I was the colonel's secretary, and the colonel investigated reports about 7 o'clock at night, and sent me around to the class-rooms to get the men out, and I would march the men up the halls, and when he investigated the reports I would take them back to the class-room.

Q. While you were there what proportion of the prisoners do you think you saw from day to day? A. I saw three-fourths of them.

Q. Do you mean to say during the entire time you were there you never saw anything indicating that a prisoner had been severely punished either by bruises upon his back or bruises upon his face? A. Never.

Q. You stated your present occupation was that of a stenographer? A. Yes, sir.

Q. Your position in the military brought you in communication or contact with nearly all of the inmates? A. Pretty nearly all of them.

Thomas Williams, No. 9, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Were you ever in the Elmira reformatory? A. Yes, sir.
Q. When were you sent there? A. Third of November, 1892.
Q. From what place? A. New York.
Q. For what offense? A. Forgery.
Q. What amount? A. Fifteen hundred dollars.
Q. What was your age at the time? A. Twenty-five.
Q. Were you ever arrested for any other offense? A. No, sir.
Q. Before or since? A. No, sir.
Q. What was your employment at the time this charge was made? A. Salesman.
Q. In what kind of business? A. Dry goods.
Q. Did you plead guilty to the charge? A. Yes, sir.
Q. I see you were paroled November 3, 1893; one year from the time you were sent? A. Yes, sir.
Q. What was your conduct while there? A. Good; I had a perfect record eleven months in succession.
Q. Never was punished? A. No, sir.
Q. What trade, if any, did you learn? A. Fresco trade.
Q. What business are you following now? A. Salesman for a plumber supply house.
Q. What have you to say with reference to the effect which the reformatory discipline has had upon you? A. I think it has

certainly improved me a good deal; I went there and had the rules explained to me and I got in the shortest possible time simply by behaving myself; that is all.

Q. The rules were so explained to you that you understood them? A. Surely.

Q. You obeyed them? A. Yes, sir.

Q. The result was in just one year from the time you entered you were discharged? A. Yes, sir.

Q. You are still on parole? A. Oh, yes.

Q. You have not received your final discharge? A. Not yet.

Q. As you understand it when are you entitled to that? A. About four months from now.

Q. You also understand that you may be returned to the reformatory at any time before the expiration of the maximum term for which you might have been sentenced by the court? A. For any violation of the parole.

Q. Does that in any way affect you statements here upon the stand? A. Not in the least.

Q. While in the reformatory what have you to say with reference to Mr. Brockway's treatment of yourself and other inmates? A. I can only speak for the treatment I received myself.

Q. What have you to say of that? A. I was treated with courtesy and kindness.

Q. You were in the school? A. Yes, sir.

Q. What class did you enter? A. I entered the highest class; I was a teacher in the schools for nine months.

Q. How much of the time were you teacher in the school? A. Seven or eight months, I think.

Q. Very soon after you entered the reformatory you became teacher? A. Yes, sir.

Q. Of the highest class? A. No; the lower class.

Q. Did I ask you what trade, if any, you learned while you were there? A. I learned the fresco trade.

Q. What did you observe in reference to Mr. Brockway's treatment of the other inmates? A. I think they were all treated fairly and squarely according as they deserved to be treated.

Q. From what you saw? A. From what I could see I didn't see any case of any man being treated unjustly.

Q. What have you to say with reference to the inmate monitor system? A. The shop I was in we had at different times both inmate monitors and citizen monitors, and from my personal observation I know the inmate monitors kept better discipline and treated the men fairer than the citizen monitors, for they are a better educated class of men, the inmate monitors.

Q. You say, so far as Mr. Brockway's treatment of the other inmates are concerned, so far as you could see, or so far as you know it was kind? A. Yes, sir.

Q. Were you ever in the bath-room when inmates were punished? A. No, sir.

Q. Do you know of inmates being taken to the bath-room and punished? A. Oh, yes.

Q. Did you see them as they returned from the bath-room? A. I have seen them after they were returned from the bath-room.

Q. What have you to say with reference to inmates when they returned from the bath-room having upon them bruises indicating that they had been severely punished? A. I never saw any man returning from the bath-room with bruises on him; I never saw any mark of violence.

Q. In short, so far as your experience goes, it was this; that in every instance where an inmate observed the rules of the reformatory he got along all right? A. Yes, sir; the place was made easy for them after the first six months.

Q. Do you realize that Mr. Brockway at any time or the officers of the reformatory, before the expiration of the maximum term for which you might have been sentenced to prison for the offense you were charged with, could have you arrested and taken back? A. Yes; for violation of parole.

Q. Did you know that term was ten years? A. Certainly I did.

By Mr. Litchfield:

Q. Did you go around the reformatory very much? A. I went around a good deal.

Q. What was the nature of your employment there? A. I had charge of one of the shops; I kept the books.

Q. Did your employment take you around the institution very much? A. For the last three months; I had charge of the idle men drilling them, and I was around the institution all the time; in different parts of it.

Q. During that time did you ever see a man with a black eye or cut face? A. I have seen men with black eyes, but I don't know whether they came from the bath-room or not.

Q. Did you see any men with black eyes? A. I have once or twice.

Q. With cut faces? A. No.

Q. How many times? A. About twice.

Q. You didn't know where they got those black eyes? A. No, sir.

Q. Did you ever see any of the officers strike any of the prisoners or under officers? A. No, sir; I never did.

Q. Ever hear any of them swear? A. No.

Q. Any of the officers? A. The citizen officers; no, sir.

Q. Did you ever hear them swear? A. No.

Q. Ever see them strike anybody? A. No, sir.

Q. Or abuse the inmates in any way? A. No, sir.

Q. Did you know of their having fights there? A. Yes, sir; I witnessed four fights in the shop I was in; one morning, it was about the time they did away with taking the men to the bath-room, and the news got among a good many of the inmates there was no more bath-room treatment, and that morning we had four fights in the shop.

Q. What date was that? A. Either in August or September; latter part of August or first of September.

Q. That was before this investigation? A. Some time.

Q. How did they occur and what did the officers do? A. They occurred by men refusing to do their work, and in two cases I know of the men struck the instructors and were immediately taken up to the stand and were sent in to the floor.

Q. You saw these occurrences yourself? A. Yes, sir.

Q. Did you see the officers strike the inmates? A. No, sir; the fight was between inmates; the officer on the stand merely called them up to the stand and sent for a superior officer and he took them in.

Q. The officers didn't have to interfere? A. No, sir.

Q. You were paroled November third; did you write a letter to Oscar Craig? A. Yes, sir.

Q. About September? A. Yes, sir; I wrote a letter to him.

By Judge Gilbert:

Q. In what department were you clerk? A. Clothing department.

Q. Those four fights that you refer to occurred after Mr. Brockway was suspended? A. After the news got around the reformatory there was going to be no more bath-room treatment; the men got hold of that and a certain class of men up there it took bath-room treatment to keep them in subjection.

By Mr. Litchfield:

Q. Do you mean there was a rumor spread around the reformatory there was to be no more bath-room treatment? A. Yes, sir.

Q. These occurrences took place after that? A. Yes.

Q. And due to the effect of the rumor? A. I believe so.

Q. You think if there is no bath-room treatment they are liable to have more fights there? A. That is my opinion.

Q. You think a judicious paddling will prevent injudicious fighting? A. Among a certain class of the inmates; yes, sir.

Q. If that was so, about what proportion of the inmates would require paddling to keep them in order? A. About twenty per cent in my estimation.

Q. That have to be reached through their skins? A. Yes, sir; I have been among the inmates for a year and that is my opinion.

Q. The eighty per cent do not require to be handled in that way? A. I do not think so; I think you can use moral persuasion with them.

Q. Don't you remember there were fights occurred before the removal of the superintendent? A. Not in the same proportion.

Q. The fights occurred throughout the prison? A. Yes.

Q. Between the inmates? A. Yes, sir.

Q. Assaults were made between inmates and citizen officers? A. In the shop I was in.

Q. Throughout the reformatory? A. That I don't know anything about.

Andrew Martin, No. 10, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Have you been confined in the Elmira reformatory? A. Yes, sir.

Q. When were you sent there? A. Third of March, 1891.

Q. For what offense? A. Burglary.

Q. What degree? A. Second degree, I believe.

Q. What was your age at the time you were sent? A. Nineteen years.

Q. Did you plead guilty to the charge A. Yes, sir.

Q. What was it that you took? A. I refuse to answer that.

Q. Were you ever arrested before that? A. Yes, sir.

Q. Ever confined anywhere before that? A. In the New York Juvenile Asylum for playing truant.

Q. For how many years? A. Two years.

Q. When were you paroled? A. Twenty-first of June, 1893.

Q. Did you learn any trade while you were in the reformatory? A. I went there with the trade of woodfinisher and I completed it there.

Q. What is your occupation now? A. Woodfinishing.

Q. Are you absolutely discharged? A. No, sir; I haven't my absolute release.

Q. Were you ever punished while you were there? A. No, sir.

Q. Ever in the third grade? A. Yes, sir; once.

Q. How long did you remain in that grade ? A. Three months.

Q. Why were you reduced ? A. For giving a man a cup of alcohol.

Q. What class did you enter in the school when you entered the reformatory ? A. I one.

Q. Did you graduate ? A. I was in I one for about six months and I was reduced to I two because I couldn't get along; after that time I earned my way through school and left in class B.

Q. What have you to say with reference to the effect of the discipline upon you that you received there in the reformatory ? A. I could say I got treated too well.

Q. Better than you deserved ? A. Better than I deserved.

Q. Were you charged, while you were there, with receiving stolen goods; is that true ? A. I don't remember the case.

Q. Do you remember a charge of that kind was made against you ? A. No; I don't remember it.

Q. You denied it ? A. I don't remember it.

Q. You were accused of larceny; do you remember that ? A. Giving a man a cup of alcohol.

Q. That wouldn't be larceny ? A. I took it from the shop.

Q. And gave it to one of the inmates ? A. Yes, sir.

Q. That was true ? A. That was true.

Q. You were charged with many offenses for talking ? A. I was a good talker among all the inmates, the same as the rest.

Q. During the time you were there were you an inmate monitor ? A. I was paroled the twenty-first of June as an officer of the reformatory.

Q. June 21, 1893, you were paroled and you remained after you were paroled how long ? A. Four months as an officer.

Q. So you remained in the institution until October ? A. Until the fourteenth of October.

Q. And remained there until after this investigation commenced ? A. Yes, sir.

Q. You now understand that you have not received your final discharge ? A. Yes, sir.

Q. And you may be arrested and taken back to the reformatory and held there until the expiration of five years, the maximum length of time for which you might have been sent to prison for the offense charged against you ? A. Yes, sir.

Q. Has that anything to do with the giving of your evidence here ? A. Nothing at all.

Q. Do you know how it is that you happen to be subpoenaed ? A. No; just because I was an inmate officer myself.

Q. What do you think of the system of placing inmate officers over the inmates ? A. I approve of the system.

Q. You approve of it during the four months you were acting in that capacity? A. I approved of it during the four months and before that.

Q. Did you approve of it while these charges were being made against you? A. Sure; it wasn't through inmate officers the charges were made against me.

Q. Were they all made against you by citizen officers? A. No; a few of them made against me by inmates who wasn't officers at all.

By Mr. Litchfield:

Q. Did you write the committee last fall, in September? A. No, sir; I was an officer at the time.

Q. You didn't write a letter to Mr. Craig? A. No, sir.

By Dr. Smith:

Q. Did you use to see a great many of the prisoners every day? A. Yes, sir.

Q. See a hundred? A. Why, sure.

Q. How often did you see them with blackened eyes? A. I never saw an inmate with a black eye.

Q. You never saw one that looked bruised about the face? A. I didn't notice them.

Q. You knew nothing about the bath-room? A. I never was in the bath-room.

Q. Were you ever where you saw persons go in and out? A. No; I never did; I was on duty in the shop.

Q. You never saw a blackened eye or bruise about the face? A. No, sir.

Q. Did you ever see an officer strike a prisoner? A. No, sir

Q. Ever hear an officer swear, use bad language of any kind? A. No, sir.

By Judge Gilbert:

Q. What was this man's name you gave alcohol to? A. William McCullough.

Q. Did you know a man named Scott? A. Yes; it was the man that told on me.

Q. Haven't you seen Scott when he had black and blue bruises around his eye? A. No, sir.

Q. And that was just after he had been to the bath-room? A. No, sir.

Q. Don't you recollect any such thing? A. No, sir.

Q. Do you recollect the man you gave the alcohol to had a black eye? A. No, sir.

Q. You don't remember any inmate that you ever saw that had such an eye? A. I never saw an inmate with a black eye or face cut; I remember McCullough never had a black eye after that because I worked with him in the shop.

Q. Before that? A. After or before I never saw him with a black eye.

Q. You still say you never saw any of the inmates having such a bruise? A. Yes, sir.

By Mr. Litchfield:

Q. Do you remember the consecutive number of Scott? A. Forty-six hundred and one, Scott.

Q. McCullough? A. Thirty-seven something; I don't know the full number.

Martin Andrews, No. 11, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Were you ever in the Elmira reformatory? A. Yes, sir.

Q. When were you sent there? A. October, 1891.

Q. What day? A. I think the twenty-first or twenty-second; I am not positive.

Q. For what offense? A. Forgery in the second degree.

Q. Did you plead guilty? A. I did.

Q. What was your age? A. Twenty-seven, between 26 and 27.

Q. What was your occupation? A. Salesman.

Q. What was the instrument that you forged? A. A check.

Q. What amount? A. Fourteen dollars and sixty cents.

Q. Did you learn a trade while you were in the Elmira reformatory? A. I did; upholstering trade.

Q. What business are you following now? A. Working at the trade.

Q. At the same trade you learned there? A. Yes, sir.

Q. When were you discharged from the reformatory? A. December 11, 1893.

Q. Were you ever in the red grade while you were there? A. Yes, sir.

Q. For how long a time? A. Four months.

Q. More than once? A. No, sir.

Q. What were you reduced for? A. For not reporting an inmate for making watch chains.

Q. What kind? A. Horse hair.

Q. Can you give the name of that inmate? A. Quinn, 5178.

Q. Do you know where Quinn is now? A. I understand he was sent to Clinton prison.

Q. Were you a room-mate of Quinn? A. Yes, sir.

Q. How long were you room-mates together? A. Three or four months; I can't say, exactly.

Q. Were you placed in a room with him when you first went to the reformatory? A. No, sir.

Q. How long had you been in the reformatory before you were placed in the room with Quinn? A. I suppose two or three months.

Q. Was Quinn there when you went there? A. No; he came after me.

Q. Was Quinn put in with you when he first entered the reformatory? A. No, sir; I was changed from the room I was to the cell he was in.

Q. Do you know how long he had been in the reformatory before you were changed to his cell? A. No, sir; I do not exactly.

Q. You say he didn't enter the reformatory until after you did? A. Until after I did.

Q. How do you know that if he was not in your cell? A. By his number.

Q. His number was higher than yours? A. Yes, sir.

Q. What was your number? A. Four thousand nine hundred and three.

Q What was his number? A. Five thousand one hundred and seventy-eight.

Q. What do you say with reference to Quinn at the time that you first knew him having a scar upon his lip? A. He had a scar upon his lip.

Q. Describe it? A. I can't accurately; it was along here on the inside.

Q. Upon which side of his face? A. I couldn't swear to that; I know it was on his lip.

Q. You say he had a scar upon his lip? A. Yes, sir.

Q. You can't say upon which side? A. No, sir.

Q. Nor can you describe it? A. Comes from underneath this way, started under his lip.

Q. Did the scar show itself upon the outside of the lip? A. Yes, sir.

Q. About how long was the scar on the outside of the lip? A. I should say one-eighth of an inch, anyway it was noticeable.

Q. What can you say with reference to his having his teeth out at the time you first saw him? A. I can say he had teeth out on the side; one tooth out on the side.

Q. On the upper or lower jaw? A. On the upper jaw; he told me at the time he got it in a fight in Albany.

Q. What, if anything, did he say about the scar? A. I suppose I asked him how he got it, and that was the explanation, he got it in a fight in Albany; somebody kicked him in the face and either knocked his tooth out or broke it.

Q. The scar upon his lip was made at the same time? A. At that time; yes, sir.

Q. What was there about that horse-hair matter? A. I know where it came from, still I know it in such a way I couldn't prove it; I know the hair came at that time from Major Valentine, and he got it from a man in the stable, cut off a horse's tail.

Q. Do you know where Quinn got it? A. From Major Valentine.

Q. How do you know? A. That is what they say.

Q. What was there about making the chain? A. He made the chain and would sell it for tobacco to the officers; he got tobacco for the chain.

Q. How do you know that? A. I saw the chain passed out and saw the tobacco coming out.

Q. The officer standing outside of the door, and Quinn being in the cell with you, the exchange was made in your presence? A. Yes, sir.

Q. How many of those chains did he make? A. He had three made at the time he was caught.

Q. How many were exchanged for tobacco? A. I know of two.

Q. Was the exchange made with the same officer? A. No, sir.

Q. Two different officers? A. Two different officers.

Q. Name them? A. One was Major Valentine and the other was the parole officer in the tin-shop; his name I can't remember.

Q. Give the consecutive number? A. I couldn't do it.

Q. Can you describe him? A. Nothing more than he worked in the tin-shop.

Q. He was an inmate officer? A. Yes, sir; parole officer.

Q. You know it was your duty to report; it was against the rules of the reformatory for inmates to be dealing in that manner? A. Yes.

Q. Did you report the fact to anyone? A. No, sir.

Q. Did you have a part of the property exchanged? A. I did not.

Q. Didn't use any tobacco? A. I didn't use it at all.

Q. Did you disclose the fact to anyone? A. I did not.

Q. When you entered the reformatory what class in the school did you enter? A. I think P one.

Q. Did you improve in your studies? A. Yes, sir.

Q. What class were you in when you were discharged? A. B class; when I was discharged I was out of school altogether.

Q. What trade, if any, did you learn while you were there? A. Upholsterer.

Q. What business are you in now? A. Upholsterer and selling goods.

Q. For yourself? A. No, sir.

Q. What have you to say in reference to the inmate monitor system? A. I think it works satisfactory.

Q. Did you act in that capacity while you were there? A. Yes, sir.

Q. For how long a time? A. Almost a year; relief duty and monitor.

Q. Were you working in that capacity during the time that this hair and tobacco exchange took place? A. No, sir.

Q. How were you treated by Mr. Brockway while you were in the reformatory? A. I was treated very well.

Q. You haven't any complaint to make? A. Not at all.

Q. What did you observe in reference to his treatment of other inmates? A. I never saw anything out of the way.

Q. I am requested to ask if you ever saw any of the inmates with black eyes? A. Never did.

Q. Or with bruises upon them indicating they had been severely punished? A. I never did.

Q. Did you ever see inmates going to and from the bath-room? A. Yes, sir.

Q. Were you in a position where you could see them as they came out of the bath-room? A. Yes, sir.

Q. What was your employment or your situation at the time which enabled you to observe them? A. I was doing key duty out on the south block; when the men are taken from the bath-room they are put in those rooms until the next morning when they go to work.

Q. They are put in these rooms you refer to and from these cells they were released the next morning to go to their work? A. Yes, sir.

Q. How long were you engaged in that duty? A. Seven months.

Q. About how many, in all, did you say you saw go to the bath-room and return? A. I couldn't give you any idea as to that; say a hundred.

Q. In what length of time? A. Seven months.

Q. You say you never saw any of those with bruises upon their faces indicating that they had been severely punished? A. No, sir; I never did.

Q. When were you discharged from the reformatory? A. December 11, 1893.

Q. You are now on parole? A. Yes, sir.

Q. You have only been paroled a few days? A. I have made one report.

Q. About one month? A. One month.

Q. You understand now that you can't be fully discharged for several months yet? A. Six months, I understand.

Q. During that time you must report to Mr. Brockway? A. Yes, sir.

Q. You also understand you may at any time before the expiration of the maximum term for which you might have been sentenced to State prison be arrested and returned to the reformatory? A. Only for cause.

Q. For an alleged cause? A. Yes, sir.

Q. And that maximum length of time is ten years? A. Yes, sir.

Q. Do you think your evidence is affected in any way by those facts? A. Not a particle.

Q. Do you know how it is you came to be subpoenaed as a witness here? A. I suppose the principal thing is because I have been so long an officer there.

Q. And you volunteered your evidence? A. Yes, sir.

Q. Did you first write to Mr. Brockway? A. In my first report I wrote to him.

Q. And expressed in that a willingness to be called as a witness in his behalf? A. Yes, sir; in one particular case I read an account of the evidence that was incorrect.

Q. The evidence relating to the hair watch chain? A. Yes, sir.

Q. You wrote him in reference to that? A. Yes, sir.

Q. And expressed your willingness to give evidence in relation to the matter? A. Yes, sir.

Q. Did you state to him what you knew about the scar that this fellow claimed to have upon his lip? A. In the letter; no, sir; I don't really think I did; I merely told him I read that evidence and the evidence was untrue.

Q. Do you know that this man had two scars upon his lip? A. I couldn't say; I know of one or two.

Q. You don't recollect of but one scar? A. I recollect one scar.

Q. If there were two scars then one of them you didn't notice? A. No.

Q. When was this that he showed you the scar upon his lip? A. Between the time we were put in the lower grade and the time I started to lock with him.

Q. About what time of year? A. Must have been May or June, 1892.

Q. Do you know when it was that this man Quinn was transferred to Dannemora? A. It was in July.

Q. Did he remain in your cell until he was transferred? A. No, sir; we were both reduced to the red grade at the same time; we were separated then.

Q. How many months were you together in the cell? A. I can't answer that positively; I should say three or four months.

Q. You don't know how Quinn was treated after he was taken to another cell? A. No; after we were put in the red grade I don't any more than I stood with him in the company.

Q. You plead guilty to the charge against you? A. Yes, sir.

Q. Were you ever arrested before you were arrested for the offense you were sent to the reformatory for? A. No.

Q. And have not been arrested since? A. No, sir..

Q. You never were in the bath-room yourself? A. Yes, sir.

Q. Were you punished? A. I wasn't punished.

Q. You were taken to the bath-room? A. I was taken down there the same time as Quinn.

Q. You and Quinn were taken to the bath-room together? A. We weren't taken together; I was out in military; when I came in he was there; we came away together.

Q. Do you know whether Quinn at that time was punished in the bath-room? A. I understand he was punished.

Q. Was he punished before you went to the bath-room? A. He was punished while there; I wasn't a witness to the punishment.

Q. Were you in the bath-room when Quinn was punished? A. No, sir.

Q. Where were you when he was punished? A. Next room.

Q. Describe that room? A. The room next to the bath-room?

Q. Weren't you in the hall that leads to the bath-room? A. That is a room between, what we call the store-room.

Q. In going to the bath-room where these punishments are inflicted, do you mean to say you passed from the hall or corridor into the store-room and then from the store-room in to the bath-room? A. No, sir.

Q. Is there a hall between the store-room and bath-room? A. Yes; what you call a hallway I call a room.

Q. Upon one side of that room is a store-room? A. Yes.

Q. And upon the other side of it is the bath-room? A. Yes, sir.

Q. Where were you while Quinn was being punished? A. I was in that room you call a hall.

Q. Who was in the room with Quinn besides Brockway? A. I wasn't in there and I couldn't say.

Q. You saw Quinn when he came out? A. Yes, sir.

Q. Didn't you see anyone else come out with him? A. Not until I went in.

Q. Who did you find in the room when you went in? A. Colonel Halpin and Officer Murphy brought me in.

Q. Did you have a talk with Quinn as he came out? A. We had a talk but not a conversation.

Q. Did Quinn come out alone; you were standing in what I will call an alleyway, after Quinn was punished he had to come into that alleyway before he could get into the corridor that would lead to his cell; while you were in that alleyway did Quinn say anything to you or you say anything to Quinn? A. Not in that alleyway.

Q. You were taken immediately into the bath-room? A. Yes, sir.

Q. While Quinn was taken to some other part of the reformatory? A. No; he was kept in the room until I came out.

Q. Was Quinn punished upon that occasion? A. He told me he was.

Q. Were you punished at that time? A. No, sir.

Q. Do you know anything about how many blows Quinn received upon that occasion? A. No, sir; I do not.

Q. Nor upon what part of his body they were inflicted? A. No, sir.

Q. Did you see any marks upon his face? A. No, sir; not any.

Q. Or upon his head? A. No, sir.

Q. You say that before that time you had seen that he had lost a tooth? A. Yes, sir; it was either out altogether or broken half off.

Q. You also had seen a scar upon his lip? A. Yes, sir.

Q. Near or opposite to the point where the tooth had been broken off? A. Yes, sir.

Q. Are you sure that you have given the names of all those who were in the bath-room when you went there? A. There might be another man there; I know those parties I mentioned were there.

Q. Had you noticed this scar upon Quinn's lip before you went to the bath-room? A. Oh, yes; it was while we roomed together I noticed it.

Q. Can you recollect what Quinn said to you when he came out? A. We were taken from the bath-room to the solitary and when we got down there Mr. Lazenby didn't have a key.

Q. I want to know if you can recollect what Quinn said to you when he came out of the bath-room? A. He said it was tough.

Q. What did he say was tough? A. I understood the flogging he got; whatever it was.

Q. Can you recollect anything else he said? A. No, sir; not then; didn't have any chance to talk there; we had to do it quietly without letting the officers see it.

Q. You knew it was against the rules to talk together? A. Yes, sir.

Q. Yet he did, and you understood him to say as he passed you that it was tough; were you both taken to the same room again? A. No, sir; put in separate rooms down in the solitary.

Q. So you didn't see him for some time after that? A. The next afternoon we were sent out.

Q. Where did you see him? A. In the military company.

Q. Did you see him any other place? A. No; he was working in a different shop from what I was at that time.

Q. For quite a length of time after that you didn't see him in any other place except in the ranks? A. I never saw him in any other place after that only in the company.

Q. He never explained to you fully what he meant by the expression "It is tough?" A. No, sir.

Q. Therefore you can't say what he meant by that? A. No; I couldn't swear what he meant; of course I understood.

Q. Were you in the same company with him? A. Yes, sir.

Q. Same military company? A. Yes; when we were put in the red grade we were put in the same company.

Q. Did you drill by the side of him? A. Yes, sir; to his right.

Q. Were you permitted to talk while in the rank? A. Not permitted to; we do it.

Q. Weren't you taken to the solitary? A. Yes, sir.

Q. How long did you remain in the solitary? A. From 3 o'clock one afternoon until about the same time the next afternoon.

Q. Was Quinn also taken to the solitary? A. Yes, sir.

Q. Both upon the same occasion? A. Yes, sir.

Q. Both taken from the same room? A. Both taken from the bath-room.

Q. You hadn't occupied the solitary before you were taken to the bath-room? A. No.

Q. After you had been to the bath-room then you were both put in the solitary? A. Yes, sir.

Q. Was that a three-corner cell? A. Yes; it is wider in back.

Q. You were put in one solitary and Quinn in another? A. Yes.

Q. Was it dark? A. Not extraordinary dark; it was as bright as day.

Q. You know where the solitaries are? A. Perfectly well.

Q. Were you in the solitaries more than once? A. Once is enough.

Q. Do you know whether you were in the rear of the cells on the back side? A. I was in where the solitaries are.

Q. There are two rows of cells called solitaries; one row faces the windows that open out into the yard, the other row faces the back part of that part of the prison; which of those rows were you in? A. I was in the first door of the first room; not the one facing the parade ground, facing the other way.

Q. They were not completely dark? A. No; there were windows on the other side.

Q. They were open? A. Yes, sir; the blinds were not closed and the window was open.

Q. What time of year was that? A. That was in July; the keeper opened them every morning and night.

Q. How long did you remain in the solitary? A. One afternoon until the next afternoon.

Q. How long did Quinn remain in the solitary where he was put? A. The same length of time.

Q. You were both taken out to do military work? A. Yes.

Q. Then you were taken back again? A. No; once you go out to do military work that ends it.

Q. Were you chained down in the solitary? A. No, sir.

By Mr. Litchfield:

Q. Did you write a letter to the committee last September when the other prisoners wrote so many letters? A. No, sir.

By Judge Gilbert:

Q. You swear positively that you and Quinn were both in the solitary? A. Yes, sir.

Q. If the record does not show that fact it is incorrect in that respect? A. Yes, sir; it is.

Q. Both in your case and in Quinn's case? A. Yes, sir.

By Dr. Smith:

Q. You said you saw a great many come out of the bath-room; how did they come out, anything striking about the method? A. They would come out with an officer.

Q. Did you see them carried out? A. No.

Q. Did you ever see one carried out? A. No.

Q. Did you ever see one with two men supporting him by his arms? A. No, sir; I never did.

Q. Did they have their clothes on? A. Yes, sir.
Q. Have a coat over their heads or blanket? A. No, sir.
Q. Coats on? A. Yes,
Q. You saw as many as a hundred? A. Yes; if not more than that.
Q. Never saw one carried out? A. No.
Q. Ever see one who acted as though he was very weak and couldn't walk and they were helping him? A. No, sir.
Q. You were in a position to see all that? A. Certainly, I did; mostly out on the gallery; I never saw a man marked while I was there.

By Mr. Litchfield:

Q. Ever see any fights while you were there among the inmates? A. Once in a while an inmate would get tough, as the saying is.
Q. Any real fights? A. No, sir.

By Dr. Smith:

Q. Did you ever see one bleeding when he came out of the bath-room? A. No, sir.

By Mr. Litchfield:

Q. See any difference in the discipline after the arrival of the investigating committee and the discipline before? A. Yes, sir.
Q. Was the discipline better after the committee came there? A. Not as good.
Q. In what way was it different? A. The prisoners would take more liberty; they knew they could do it, or they imagine they can, and they do it.

By Dr. Smith:

Q. Was it stated there would be no bath-room treatment after that? A. I heard the prisoners say so.
Q. After the committee arrived? A. Yes, sir.

By Mr. Litchfield:

Q. Therefore, the discipline relaxed? A. Yes, sir; very much.

By Dr. Smith:

Q. Did you ever see an officer strike an inmate? A. I did not; I have seen an inmate strike an inmate officer.
Q. Ever hear an officer swear at the men? A. No.

By Mr. Litchfield:

Q. Was there any bath-room treatment after the investigation began? A. I couldn't say as to that; I never heard of any.

Q. Did you hear of any complaint of being locked up with their hands fastened to the door, as a method of treatment? A. I didn't hear of it.

Q. You don't know that was done? A. I don't know whether it was or not.

Q. Didn't hear them complain of it? A. No.

Michael Hawley, No. 12, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Have you been in the Elmira reformatory? A. Yes, sir.

Q. When were you sent there? A. In March, 1886.

Q From what place? A. Albany.

Q. For what offense? A. Larceny, I believe, or burglary; I forget which now.

Q. Did you plead guilty? A. No, sir.

Q. Had a trial? A. Yes, sir.

Q Was convicted; what was your age at the time? A. I forget the age I gave.

Q. What was your age? A. I have no recollection.

Q. How old are you now? A. Twenty-six.

Q. The record shows your age was 17. A. That must have been it.

Q. Had you ever been arrested before that? A. Yes, sir.

Q. How many times? A. Once.

Q. Were you imprisoned? A. Yes, sir.

Q. Have you been arrested since you came out of the reformatory? A. That I object to.

Q. Have you been arrested more than once since you came out of the reformatory? A. That I object to.

Q. Have you been arrested more than twice since you came out of the reformatory? A. I object to answer that question entirely, once, twice or three or four times; I will not answer that question.

Q. When did you come out of the reformatory? A. Eighteen hundred and eighty-seven.

Q. You went to the reformatory in March, 1886, and you were paroled in May, 1887? A. I don't know what date I was paroled.

Q. You were released from that parole December 15, 1887, as the record shows; what do you say as to that being correct? A. That I can't swear to.

Q. What trade, if any, did you have before you went to the reformatory ? A. None.

Q. What trade did you learn while you were in the reformatory? A. None.

Q. What employment did you have while you were there ? A. I worked in the shoe shop, broom shop and brush shop.

Q. What employment have you now ? A. I am in business for myself.

Q. Where ? A. In New York.

Q. What business ? A. That I object to.

Q. It is a lawful business ? A. Yes, sir.

Q. Why do you object to telling ? A. I have my own reasons.

Q. Is it a peculiar business ? A. No; it is a common business.

Q. Do you think it would lead to your identification ? A. I think so.

Q. What do you say with reference to the effect which the reformatory discipline had upon you, whether it was beneficial or not ? A. Yes, sir.

Q. How were you treated by Mr. Brockway ? A. I couldn't be treated any better from a father.

Q. He treated you kindly ? A. Yes, sir.

Q. What was his treatment of the other inmates so far as you observed ? A. The same as it was to myself.

Q. But from your refusal to answer certain questions I put to you I take it you were not very much reformed while you were there ? A. I have my own reasons for not answering those questions; I have been arrested, and if I give the reason why I was arrested my identification would be known.

Q. Have you been imprisoned since you came from the reformatory ? A. No, sir.

Q. Have you been accused of the commission of any crime since you left the reformatory ? A. Yes, sir.

Q. Have you been accused of committing more than one crime? A. Violation of the city ordinance is the only crime, obstructing the sidewalk.

Q. And that complaint made different times ? A. Yes, sir.

Q. The offense you were charged with is simply the violation of city ordinance in relation to putting articles upon the sidewalk ? A. Yes, sir.

Q. And allowing them to remain upon the sidewalk ? A. Yes, sir.

Q. You have not been charged with the commission of any criminal offense ? A. No, sir; unless you call that a criminal offense.

Q. During the time you were in the reformatory did you act as inmate monitor? A. Yes, sir.

Q. For how long a time? A. About three months.

Q. Did you see the inmates taken to and from the bath-room? A. Yes, sir.

Q. Upon different occasions? A. Yes, sir.

Q. Were you in a position where you could see them as they were taken to and from the bath-room during the entire time you were in the reformatory? A. Not the entire time.

Q. During that portion of the time or for what length of time were you in such position you could see? A. About nine months.

Q. During that time how many in all did you see taken to the bath-room? A. That I can't answer.

Q. Did you ever see any of them punished? A. No, sir.

Q. See any of them having bruises upon them indicating they had been punished? A. Never see no bruises on none of them.

Q. Or anything indicating they had been punished? A. Only when they came back smiling and laughing.

Q. So far as your experience goes the smiling and laughing of the inmates would indicate they had been to the bath-room and been punished? A. Yes, sir.

By Mr. Litchfield:

Q. Do you think the punishment gave them more pleasure than anything else? A. Looked that way to me.

Q. A majority of the inmates would prefer to go to the bath-room than to the opera? A. Not exactly that; simply made them a little tougher than the other ordinary men was; they were but a little braver than anybody else.

Q. Why were they laughing and joking coming out? A. That question I wouldn't answer unless I went through it myself.

Q. You could only guess at that? A. Yes.

By Judge Gilbert:

Q. What did you mean by saying they were a little tougher after they had been there? A. The way I have heard them express themselves when they had returned.

Q. They were tougher, that is, harder? A. They would do the same thing again.

Q. And as far as you could see, and so far as your experience goes, from what you saw and so on the bath-room instead of reforming the inmates had the opposite effect; it toughened them? A. Looked that way to me.

By Dr. Smith:

Q. You saw a great many brought out from the bath-room, didn't you? A. Two or three a day; some days none.

Q. Amounted to forty or fifty? A. Yes.

Q. Did you ever see any carried out? A. No.

Q. Ever see them walk as though they were very weak and had to be supported? A. No, sir.

Q. Ever see one fall down? A. No, sir.

Q. Ever see an officer lift them out by the shoulders or arms? A. No, sir.

Q. Ever see any blood on them? A. No, sir.

By Mr. Litchfield:

Q. The impression left on your mind was, it simply toughened them, but didn't reform them? A. That was my impression that it was a class of people that deserved what they got.

Q. And they felt proud of it? A. They felt proud over it.

Q. It really didn't do them any good? A. That I won't say; I suppose their own experience ought to tell that.

By Judge Gilbert:

Q. Did you ever see any come out that were not laughing? A. Oh, yes; saw one or two of them.

Q. Only one or two out of fifty or sixty? A. Yes.

Peter Flynn, No. 13, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Have you ever been confined in the Elmira reformatory? A. Yes, sir.

Q. Where were you sent from? A. Brooklyn.

Q. For what offense? A. Grand larceny.

Q. Did you plead guilty? A. Yes, sir.

Q. What was your age at the time? A. Twenty-two.

Q. Did you have any employment before you were sent to the reformatory? A. Yes, sir.

Q. What? A. Machinist.

Q. Do you remember when you were paroled? A. Yes, sir.

Q. When? A. Fourth of September, 1893.

Q. You were sent October 1, 1892? A. April 1, 1892.

Q. The record says October 1, 1892; you are positive you were received in the reformatory April, 1892? A. Yes, sir.

Q. And was discharged September 4, 1893? A. Yes, sir.

Q. While you were in the reformatory what was your conduct? A. Pretty fair.

Q. Were you reduced to the lower grade? A. No, sir.

Q. Were you reduced at all? A. No, sir.

Q. What was Mr. Brockway's treatment so far as you were concerned? A. Very good.

Q. Have you any complaints to make in reference to him? A. No, sir.

Q. How was it in reference to the other inmates so far as you saw or observed? A. Very good.

Q. What trade did you learn while you were there? A. I finished out the machinist trade.

Q. What employment are you in now? A. Machinist.

Q. During the time you were there did you attend the school? A. Yes, sir.

Q. What class did you enter? A. P. 3.

Q. What class were you in when you were discharged? A. In 1.

Q. You claim you improved in your education and also in your trade while you were there? A. Yes, sir.

Q. And in those respects your confinement in the reformatory was a benefit to you? A. Yes, sir.

Q. By reason of your having acquired more perfectly your trade you are enabled now to earn larger wages than you could earn before? A. Yes, sir.

Q. While you were in the reformatory did you hold any official position? A. Second lieutenant in the military.

Q. Did you hold any official position in the reformatory? A. No, sir.

Q. Did you act as an inmate monitor? A. No, sir.

Q. What have you to say with reference to the inmate monitor system? A. Very good as far as I saw it; you get as good treatment from them as from the citizens.

Q. You haven't any fault to find? A. No, sir.

Q. Did you have any report made against you; conduct reports? A. Yes, sir.

Q. Whenever they were denied by you were you given an opportunity to have them investigated? A. Yes, sir.

Q. Were they investigated? A. Yes, sir.

Q. Were the reports cancelled? A. Yes, sir.

Q. And how many reports were made against you and were thus cancelled after investigation? A. I couldn't answer that.

Q. A good many? A. Not very many; very few.

Q. Can you give about the number? A. No, sir.

Q. As many as five? A. Less than that; I never sent back many reports; about three.

Were those made by inmate monitors? A. Yes, sir.

Q. So far as the reports against you are concerned you found the reports made by inmate officers were not correct? A. Not in all cases.

Q. Do you mean to say you were reported more than three times? A. Oh, I have been reported more than three times, but I deserved all the reports I ever got.

Q. You were reported for quarreling? A. Not to my knowledge.

Q. These reports still stand against you? A. I couldn't answer that.

Q. Did you plead guilty to the offense you were charged with? A. Yes, sir.

Q. You knew when you were subpoenaed as a witness that Mr. Brockway could require you to come back to the reformatory if he was a mind to? A. Yes, sir.

Q. That the maximum term for which you might have been sentenced is five years? A. Yes.

Q. Until that expires you may be arrested and taken back to the reformatory? A. Yes, sir.

Q. Do you know how you came to be subpoenaed as a witness here? A. No; I do not.

Q. Did you write to Mr. Brockway? A. No, sir.

Q. Have you made a report to him monthly since the fourth of September? A. Yes, sir.

Q. In those reports didn't you say anything to him about being sworn as a witness? A. No, sir.

Q. Who did you first tell that you were willing to be sworn as a witness? A. Mr. Hoppe.

Q. He came to your house? A. No, sir; I met him at Mr. Kimball's office; he notified me to meet him.

Q. Who notified you? A. Mr. Hoppe.

Q. When you were discharged from the reformatory you knew this investigation was going on? A. Yes, sir.

Q. You were discharged after Mr. Brockway was suspended? A. No, sir; before.

Q. As you understand it? A. Yes, sir.

Q. While you were in the reformatory were you so situated that you could see the inmates when they were taken to and from the bath-room? A. No, sir.

Q. You don't know of your own knowledge anything about the punishments that were inflicted upon the inmates there? A. No, sir.

Q. What position did you hold in connection with the military organization? A. Second lieutenant.

Q. In that position did you have an opportunity to observe as to whether the inmates had been severely punished or not? A. Yes, sir.

Q. What have you to say with reference to it, whether so far as you observed, whether you noticed any such cases? A. I never saw anyone that was hurt badly; I have seen them come out laughing a good many times.

Q. Who laughing? A. The inmates.

Q. Come from what place laughing? A. From the bath-room.

Q. Do you know those were inmates that had been paddled? A. I suppose they were.

Q. Do you know, or were they the inmates that had been required to go to the bath-room and been simply admonished? A. I wouldn't swear to that.

Q. When you and Mr. Hoppe had the interview here in the city, was there anything said as to what evidence you should give? A. No, sir.

Q. Was the subject talked of at all? A. It was spoke about; yes, sir.

Q. What was said? A. He just asked me to give my statement as to what I thought the discipline was.

Q. Did you say anything to him about the inmates laughing as they returned from the bath-room? A. No, sir.

Q. Nothing said about that? A. No, sir.

Q. Did you ever see any inmate returning from the bath-room that was not laughing? A. I have; yes, sir.

Q. What was he doing? A. Nothing.

Q. Ever see any coming from the bath-room that were crying? A. No; I did not.

Q. Or appeared as if they had been crying? A. No, sir.

Peter Van Houten, No. 14, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Were you ever confined in the Elmira reformatory? A. Yes, sir.

Q. When? A. In October, I think, 1889.

Q. When were you discharged? A. May, 1893.

Q. Did you know a man named Miller while you were in the reformatory? A. Yes, sir; I doubled up with him; I was room-mate with him.

Q. For how long a time? A. Eight months.

Q. What was Miller's consecutive number? A. Two thousand seven hundred and eighty.

Q. What, if anything, do you know of his having his teeth knocked out while he was in the reformatory? A. Simply that

he didn't have them knocked out; they were pulled out, every one of them, by being decayed; the food helped a good deal, and he had a rotten set of teeth when he came up there; they were all pulled out by Dr. Kerr of Elmira; that was his statement to me.

Q. You don't know of your own knowledge? A. I know of my own knowledge what I heard in the hospital, that he pulled them out.

Q. Did you see them pulled out or know anything more about it than what Miller himself told you? A. I can't say that I saw any teeth pulled out myself, but I do know this, that after he told me I made inquiries up in the hospital.

Q. Miller told you that a dentist pulled them out and gave you the name of the dentist? A. Gave me the name of Dr. Kerr, and two weeks after that I had my teeth fixed by Dr. Kerr myself.

By Mr. Litchfield:

Q. Is Dr. Kerr alive now? A. Yes, sir.

By Judge Gilbert:

Q. At that time were you a paroled officer? A. No, sir.

Q. Did this dentist from Elmira pull your teeth? A. He filled my teeth.

Q. Did you go to the city to have that done? A. No, sir; I had it done in the office.

Q. You spoke about the hospital; were you in the hospital a while? A. I was working on the hall up there and I had occasion to go up every morning.

Q. Not engaged in any way in the hospital? A. No.

Q. Do you know whether Miller was in the hospital or not? A. Yes, sir.

Q. On account of ill-health? A. Yes, sir.

Q. Do you know what was the trouble with him at the time? A. I think he had a touch of pneumonia, if I am not mistaken.

Q. Didn't Miller tell you this, that his teeth were broken off and then he went to the dentist and had the roots extracted? A. No, sir; he never told me nothing like that.

Q. Were some of his teeth broken off before he went to the dentist? A. He had no teeth when he arrived at the reformatory; they were simply stumps; eating molasses helped make them worse, and he had to have them all pulled.

Q. Do you know while he was doubled up with you that he was taken to the bath-room? A. Yes, sir.

Q. To be punished? A. Yes, sir.

Q. That he was punished in the bath-room? A. Yes, sir.

Q. Do you know how many times he was punished ?

Mr. Stanchfield.— I object. Here is a hostile witness; I call him to prove one fact. It is not within any rule of law they have the right to go into a general examination of a man where he is called as to one specific fact. The man swore they were knocked out.

Judge Gilbert.— This man, Miller, has been put upon the stand by the prosecution and stated he was severely punished, and during the infliction of the punishment his teeth, or some of them, were knocked out or broken off, and that he had the roots extracted. This witness is put upon the stand for the purpose of contradicting Miller, and he states Miller told him that he had his teeth pulled, and he states the reasons why he knows they were pulled; that is, that his teeth, when he came there, were bad, and that they were in such condition that he had to have them drawn. I think upon the cross-examination of this witness he stated he was doubled up, was his room-mate; it is competent, as a cross-examination of this witness, for the purpose of showing he must be mistaken with reference to Miller's statement, that Miller was in fact punished to his knowledge from time to time in the bath-room, and follow it up by showing he was severely punished.

A. I never saw him with any teeth knocked out.

Judge Gilbert.— Have they not, by requiring me to ask that question, opened the door so far as to give the other side the right to insist I shall ask the question which I have now?

Dr. Smith.—Does he know he was punished in the bath-room?

Judge Gilbert.— And suppose, in the same conversation, that this man Miller told the witness that his teeth were extracted by the dentist, and in the same conversation he told him he had been to the bath-room and been severely punished, they having opened the door to that conversation, the other side have the right to follow it up. I have tried to be fair and liberal with the defense with reference to the introduction of affirmative proof, at the same time when they opened the door either to a conversation or to a transaction by authorizing or requesting me to ask some particular question as my friend understands, and I know as a good lawyer, he thoroughly understands it, that when the door is opened by such questions, or when the witness in answer to a question put by them opens a particular transaction or line of evidence, the other side has a right to follow it up until the whole of that conversation is introduced.

Mr. Stanchfield.— I concede he has a right to ask for the whole of that conversation but he is now asking him whether he hadn't been to the bath-room and punished; how does he know except as

this man told him; if he wants the balance of that conversation I don't object to it.

Judge Gilbert.— Whether or not this knowledge is of such character that his evidence upon that question shall be received or not will have to be developed by further testimony.

By Mr. Litchfield:

Q. Do you know, of your own knowledge, whether this man Miller was ever punished in the bath-room? A. Oh, yes; I know by his showing me after he came out; I asked him, and he said he got punished.

Q. You didn't see him? A. No; I saw him taken there and taken out.

Q. Did you see him taken into the bath-room? A. Yes, sir.

Q. Where were you at the time? A. Working in the hall.

Q. What did Miller show you? A. He showed me the stripe across his back; that is all.

Q. Did he show you his mouth? A. No, sir.

Q. Make any claim his teeth had been knocked out? A. Never made any claim; his mouth wasn't touched.

Q. Have any mark on his face? A. No, sir; no mark on his face I ever saw.

Q. All he claimed was the mark on the buttock? A. Yes, sir.

By Judge Gilbert:

Q. How many different times did he show marks on his back?

Mr. Stanchfield.— That is over our objection.

Dr. Smith.— That has nothing to do with his teeth.

Judge Gilbert.— I will waive that.

Q. When you were doubled up did Miller have a set of false teeth made? A. Yes, sir; two false sets made.

Q. Upper set and lower set? A. No, sir; upper set.

Q. Did he have his teeth extracted after or during the time you were doubled up? A. He had his teeth extracted just before that.

Q. So that whatever occurred with reference to his teeth was before you and him doubled up? A. Yes.

Q. So that when you said upon your direct examination that his teeth were rotten and broken you were not speaking with reference to your own knowledge of his teeth? A. I know his teeth were rotten; broken.

Q. I am talking of those that had been pulled out; you say the stumps had been extracted before he doubled up with you? A. Yes.

Q. Before you knew anything about him? A. Not before I knew anything about him.

Q. Before you knew anything about his teeth? A. I seen him before he had his teeth extracted; I wasn't doubled up with him, but I seen him when he had his rotten teeth in.

Q. Were you ever arrested for any other offense? A. Mr. Stanchfield gave me to understand you only had one question to ask me; am I here for a witness or what, just for that one thing.

Q. They claim there are two sides to this controversy? A. That has nothing to do with my being arrested.

Q. The other side wants to ask you now several other questions, among them they request me to ask you if you were ever arrested for any other offense? A. I would like to know what that has got to do with the teeth.

Q. I think it is a proper question? A. I have no backwardness in answering that question; no, sir; I was not arrested.

Q. Have you been arrested since you were released? A. No, sir.

Q. Were you ever paddled yourself? A. Oh, yes; I have felt the paddle.

Mr. Stanchfield.—That I object to.

Adjourned to Tuesday, January 9, 1894, 10 a. m.

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New York, Tuesday January 9, 1894.

The committee met pursuant to adjournment.

Thomas Hunter, No. 15, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Were you ever confined in the Elmira reformatory? A I was.

Q. When were you sent there? A. In 1885; it was in the month of February.

Q. When were you discharged? A. I was discharged in May, 1887.

Q. When were you absolutely released? A. Six months after.

Q. What was your age when you were sent to the reformatory? A. Nineteen years.

Q. What was the offense for which you were sent? A. I suppose the records will show.

Q. Burglary, second degree; did you plead guilty? A. No, sir; I had a trial.

Q. Was convicted? A. Yes.

Q. Did you commit the offense? A. I did not; I was here only a few months; I was sent up through the scheme of an uncle of mine.

Q. You then claimed and still claim you were unjustly accused? A. I would claim with my last dying breath I did not commit that offense.

Q. While in the reformatory, what was your record? A. In the reformatory — I was the only son; my father was a school teacher and I was not very much restrained and I had to be restrained, and I suppose I didn't always do what was right, and I didn't get on twelve months; I got out in twenty-two months.

Q. Were you ever reduced to the third grade? A. I was.

Q. How long did you remain in that grade? A. I remained once two weeks.

Q. Were you reduced more than once? A. I was reduced twice.

Q. How long did you remain the second time? A. A month or six weeks.

Q. What occupation, if any, did you have before you were sent to the reformatory? A. I was bank clerk.

Q. Did you learn any trade while you were in the reformatory? A. I did.

Q. What was that? A. The printing trade.

Q. Are you in business now? A. I am in the newspaper business.

Q. How long have you been engaged in the newspaper business? A. Since I came back.

Q. So you have, in fact, substantially utilized the trade you learned in the reformatory? A. Most decidedly.

Q. What have you to say in reference to the manner in which you were treated by Mr. Brockway? A. I can't complain of it.

Q. What did you observe, if anything, in reference to his treatment of other inmates; what did you see or know? A. I know when the men didn't behave themselves they got some kind of treatment, either got reduced to the third grade or deprived of some privileges, and if a man tried to do right he got out all right.

Q. You never were in the bath-room yourself to receive punishment? A. No, sir.

Q. Have you seen others? A. I have seen others go back there and come out and smile; I don't know what kind of a smile it was; some kind or other, funny.

Q. You don't know whether those you saw smiling were actually punished? A. I know of one case, a man worked in the office I had charge of; I had charge of the printing department two years; I had charge of the Summary, the mechanical part; a man worked in the office and did some kind of an offense, and he had a pretty bad record, and it was said he got paddled; when he came out he laughed; he says: "It isn't the last time I got it."

Q. (Mr. Litchfield.) How do you know he got paddled? A. He told me so.

Mr. Litchfield.— You may strike that out; that is no evidence.

Q. What wages are you earning now? A. Thirty dollars a week.

Q. Are you a man of family? A. Yes, sir; I have one boy.

Q. What class in school did you enter? A. I went right in the highest class when I went there; I was a graduate of a college in Europe. . . . . .

Q. What official position, did you hold, if any, while you were in the reformatory? A. I had charge of the paper, the Summary, mechanical part.

Q. Did you act as an inmate monitor? A. No, sir. . .

Q. Did you act, at one time, as an officer in connection with the military? A. No, sir; that was not is vogue yet when I was up there. . . . .

Q. Did you learn the English language while in the reformatory? A. I did.

Q. How long had you been in this country when you were sent to the reformatory? A. Three months.

Q. So, at the time, you knew but little of the English language? A. I knew how to translate, but I had no real fact of the English.

Q. What is your nationality? A. French.

Q. You studied the English language? A. Yes, sir.

Q. And attended their school for that purpose? A. Yes, sir.

Q. Did you, at one time, see inmates with discolored eyes or bruises on their faces? A. Nothing to my knowledge.

Q. What opportunity had you for observing or seeing the inmates? A. The opportunity that every one had, seeing the inmates every morning at the table and dinner time and evening.

Q. Did you have charge of any of the inmates that were confined in the cells? A. No, sir.

Q. Those you saw were those you would meet in connection with the business you were engaged in in the reformatory? A. Yes, sir.

Q. At that time the military drill was not in vogue? A. No, sir.

Q. Then you had an opportunity to see and observe the appearance of the inmates at breakfast, dinner and supper? A. Yes, sir.

Q. And also at the school? A. Yes, sir.

Q. And in the chapel? A. Yes, sir.

Q. And going to and from the trade schools? A. Yes, sir; I saw them pass every day because I had an office on the guard-room floor and the inmates generally pass there.

Q. You say you never saw an inmate that had a blackened or discolored eye? A. I never seen it.

Q. Or an abrasion upon the face or head? A. No.

Q. Did you ever hear complaints made? A. I suppose, with a thousand or twelve hundred inmates, not every one can be satisfied.

Q. I mean complaints with reference to severe punishments; I don't ask for particular ones. A. Will you repeat that question?

Q. Did you ever hear complaints made by the inmates that they had been severely punished? A. I have heard complaints already made of the inmates saying they got treatment, but I never have to my knowledge, not to me, no one ever said to me he was too severely punished.

Q. You never heard that complaint made? A. No.

By Mr. Litchfield:

Q. Did he ever say he was severely punished? A. I don't know as he used that.

Q. Did he complain he got severely punished? A. No; they said they got paddled; that is all.

By Judge Gilbert:

Q. About how many of the inmates ate at the same table where you sat? A. All the first grade men.

Q. So at meals you didn't see very much of the lower grade men? A. No, sir.

Q. In your intercourse with the inmates you didn't see very much of the lower grade men; your intercourse was mainly with the first grade or second grade? A. Yes; but you hear about everything going on in the prison; I only seen the first grade men; I only had actual intercourse with the first-grade men.

Q. You had nothing to do with taking care of the men while confined in their cells? A. No, sir.

Q. And saw nothing of them there? A. No, sir.

Q. Were you in the first grade yourself? A. Yes, sir.

Q. As I understand it you had charge of the work in the printing department? A. Yes, sir.

Q. It was your duty, as manager of that particular department, to report with reference to the conduct of any inmate that was under you or connected with that employment? A. Yes, sir.

Q. Did you always report violations of rules? A. I think the facts will show I never reported a man except one, and when I

asked that man for his task, that man was a printer himself and he was jealous of my position, and he gave me a saucy answer and struck me.

Q. You were reported, were you not, as having committed the offense of larceny while in the reformatory? A. Yes; that larceny consisted of taking two sheets of paper out of the printing department and giving it to another man who wanted it, two sheets of white writing paper; that was, I think, the first month I was there.

Q. For that you were reported? A. I was reduced to the third grade.

Q. Are you sure that the only offense that you committed at that time was the taking of two sheets of paper and giving them to an inmate? A. I remember I got a report for larceny, taking paper.

Q. And was actually reduced to the third grade for that? A. I can't swear to it; I was reduced to the third grade for this, but I remember the larceny case was that year.

Q. That was the only larceny you were accused of while you were in the reformatory? A. Exactly.

Q. Two ordinary sheets of writing paper? A. Writing paper.

Q. Was that matter brought to the attention of the superintendent? A. I suppose so.

Q. Did you think that for that slight offense it was just to reduce you to that grade? A. I didn't think it was just this time.

Q. You didn't think at that time it was just? A. No; I think that might have prevented me from doing something worse; nipped it right in the bud.

Q. That was an evidence you were inclined to take things? A. I didn't take it for me; if you go and take two sheets of writing paper I don't think any jury would convict you.

Q. You were also reported for lying, weren't you? A. I have had so many reports that that might be one; although I don't know.

Q. Lying about a knife? A. I can't remember any more; that might be.

Q. Do you mean to say you were accused so frequently of lying and was reported so often for that you can't recollect the particular lies that you told? A. Frequently lying; I don't know anything about that; I didn't say I was reported frequently for lying; I said I was reported so often.

Q. Is it true you were reported for lying about a knife? A. I can't remember any more but I suppose if it is in the report it is all right; I might have been reported.

Q. Was that report true? A. I couldn't tell you.

Q. You didn't ask to have it investigated; it stood against you? A. It stood against me; if a report stands against you it goes generally.

Q. Do you remember your consecutive number? A. I was in the nineteen-hundred, but I couldn't remember what number any more.

Q. Were you employed in Elmira after you came out of the reformatory? A. I was glad to get away from there.

Q. Why were you glad to get away? A. I wanted to get away from there as quick as possible; get away and get in another sphere ; I wanted to be a free man again, and had all my folks down here, and I wanted to go with them again.

Q. Did you remain in the reformatory after you were given your parole at all? A. No, sir.

Q. Immediately left? A. Mr. Brockway sent me away at 4 o'clock and I took the 7 o'clock train.

Q. Had you been arrested for any offense before this one for which you were sent? A. Never.

Q. Did you continue to report to Mr. Brockway? A. Yes, sir.

Q. During the six months? A. Yes, sir; in six months I got my full discharge.

Q. Do you know another newspaper man by the name of Leavy, that was in the reformatory during the time you were there? A. No, sir.

Q. Or that was at one time confined in the reformatory? A. I don't remember any more.

By Dr. Smith:

Q. Are the tasks given in the printing department, in your opinion oftentimes too severe; more than a man can accomplish? A. No; a man can do it if he sets his mind to do it.

Q. You don't know of an instance where a man couldn't do his task if he choose to? A. No, sir.

By Mr. Litchfield:

Q. If a man isn't well educated and couldn't read and write well, say a German, for instance, would it not be difficult? A. Yes; I don't know much English, but Mr. Brockway wasn't so strict for my task.

By Judge Gilbert:

Q. Do you know how you came to be subpoenaed to appear before the committee in this investigation? A. Yes, sir; a man came and served a subpoena on me.

Q. Do you know how he came to serve a subpoena? A. I will tell you; me, of my own accord, wrote Mr. Brockway, and said I would come here.

Q. You volunteered yourself to make the statements in behalf of Mr. Brockway? A. Yes, sir; I was not solicited in any way.

By Dr. Smith:

Q. Do you know many that have been through there and are now in business? A. Yes, sir; I know a man well up.

Q. What do you think has been the general effect of their discipline? A. I can't complain on my part; I generally cut off their acquaintance with the exception of two or three which I know by sight and that know me; I know one man in charge of a big railroad concern, a man high up.

By Mr. Litchfield:

Q. You preferred not to maintain your acquaintance with men at the reformatory? A. No.

By Dr. Smith:

Q. Your general impression is from what you have seen that they are benefited? A. Yes; in my case and some other cases; other people I don't know what became of them; when I got discharged there I wanted to leave everything behind me, and I wish the gentlemen of the newspaper to keep my name quiet; I belong to a club, to a political club, and people never knew I was in such an institution; it would harm me in every way.

By Judge Gilbert:

Q. You stated you didn't see the inmates that were in the lower grade, that you saw only those in the first grade? A. I beg pardon; I seen them passing from the hall to their cells, but I never had any actual intercourse with them.

Q. You recollect you stated upon two different occasions, you were reduced to the third grade? A. I did.

Q. While you were in the third grade, you ate at the same table or department where the third-grade men ate, or did you receive your meals in your cells? A. The three grades are different; the first-grade men eat in the dining-room by themselves, and I suppose they have no intercourse with the second-grade men; and the second grade men eat in their cells; so do the third-grade men; I had no intercourse with them.

Q. You had no opportunity to observe the third-grade men? A. Generally the first-grade men, sometimes one, sometimes two or three in a cell together.

Q. You would see the third-grade men at school? A. Yes, sir.

Q. You would see them in the trade school? A. I never was in the trade school; there was no third-grade men in the printing department.

Q. You would see them in the chapel? A. Yes, sir; but not supposed to talk with them.

Q. When you were in the third grade you saw them? A. Yes, sir; I was in the third grade twice; I remember once being put in the third grade, I think, for that larceny offense, and the second time I didn't get three straight nine's, I had two nine's, then I got a seven and Mr. Brockway wrote me a note, if I didn't get a nine this month I would be reduced, and I didn't get the nine because of one single report, and I was reduced not for doing anything but the general routine of business.

By Dr. Smith:

Q. How do you regard the rules; are they very difficult to keep? A. It is difficult or hard for a man if he isn't used to it; once he has the run of the business it is very easy to keep up.

Q. Does he learn it by experience or is he taught it when he goes there? A. Mostly by experience.

Q. They give you a book? A. Yes; they give you a book of rules which tells you what you can and what you can not do.

Mr. Babcock.— It takes sometime to get accustomed to the discipline? A. Yes, sir; while in the reformatory I was asked by Mr. Brockway to give translations; there was at that time a penological congress at Rome in 1886; I know German and French and Italian; I had translated for him the reports of that course, and it said the reformatory was considered one of the pioneers in that line.

Judge Gilbert.— The prosecution object to that.

Mr. Litchfield.— That is irrelevant.

By Judge Gilbert:

Q. When you entered the reformatory weren't you instructed by Mr. Brockway what would be required of you? A. Yes, sir; he took us to his office.

Q. What did he tell you? A. He told us that if we behaved ourselves, if we abided by the rules we might be released in a year; if we don't behave ourselves we might be reduced to the

third grade and stay there the whole length of time our sentence called for; in my case I think it was ten years.

Q. You understood then and understand now that the maximum term for which you might have been sentenced was ten years? A. Yes, sir.

Q. That ten years has not expired yet? A. No.

Q. You may still be returned to the reformatory and serve the balance of the term? A. I understood the law says if a man is discharged, his full regular discharge.

Q. He is discharged from his parole? A. Yes.

Q. As you understand it after you have received your absolute discharge you can't be returned? A. I can't be returned unless I commit a crime.

Mr. White.— I would like the names and addresses of these witnesses privately.

The witness.— I refuse.

Mr. Babcock.— This gentleman is a newspaper man himself.

The witness.— I worked the last four years in one place.

Mr. Litchfield.— I think the committee will require; I will give Mr. Hoppe or Mr. Stanchfield full power whenever the prosecution or anybody else wants to find me they can find me.

Mr. Litchfield.— Please write me down privately your occupation and your address.

The witness.—I don't know whether you can oblige me to do it.

Mr. Litchfield.— I think we can.

(The witness furnishes his name and address to the committee.)

The witness.— I think it would be a very wrong thing, to say the least, of the prosecution, to publish a man's address and name where it can be read by thousands of people, where a man for the last eight years has been trying to live upright.

Judge Gilbert.— There is a definite understanding that the names, business or occupation and address of the ex-convicts are not to be known to anyone except the members of the committee, and to Mr. White, who represents the defense.

The witness.— I generally read the World, and I have seen a number have been printed broadcast, with the address. If Mr. White will give me his promise it is entirely satisfactory. I lost once my situation on that ground and I don't want to lose it twice.

James F. Kelly, being duly sworn, testified:

Examined by Judge Gilbert:

Q. What is your occupation? A. I am an officer of the court of general sessions.

Q. Reside in New York? A. Yes, sir.

Q. How long have you resided here? A. Forty-five years.

Q. I am informed you have had a relative that was once confined in the Elmira reformatory? A. He is now confined there.

Q. What is his name and consecutive number? A. John Keller; I couldn't tell you his number; he is a relative by marriage only.

Q. In what way is he connected? A. By marriage; a brother-in-law.

Q. Have you seen him frequently since he has been in the reformatory? A. I believe it was the ninth, tenth or eleventh of last month, of December.

Q. When was he sent there? A. That I couldn't tell you; I believe it was in 1887 or 1888.

Q. He has been there in the neighborhood of about six years? A. Yes, sir.

Q. For what alleged offense was he sent there? A. That I couldn't exactly tell you because I am not positive; it was some crime against nature.

Q. What was his physical condition at the time he was sent there? A. His physical condition was that of a rag-tag boy, running about the street; no control over him; couldn't do anything with him; all broken up apparently in his health at the time when arrested.

Q. In what manner has he been benefited by the reformatory discipline or treatment? A. Am I allowed to relate his conversation?

Q. No; I think you had better state what you saw and know in reference to his physical and mental condition when he went there and what you know with reference to his mental condition now, indicating that he has been benefited or improved by the reformatory treatment at Elmira? A. His mental and physical condition when he left here; his physical condition was very bad; he looked like a boy that had dissipated considerably, had run away from his home; and mentally had no mind of his own or anything else; and since I have seen him up there he has improved in manhood in the most wonderful form; I have never seen anything to equal it; it is a perfect transformation scene to me and also his sister, who visited the institution with me; we scarcely knew who he was; his physical condition has changed to such an extent that really he looked more like an athlete than anything else; I couldn't describe the appearance he made; it is a wonderful thing; his sister cried with joy at his condition, to see it.

Q. Do you know he went through the gymnasium? A. I would have to relate his conversation in this case.

Q. What trade has he learned since he has been in the reformatory? A. I think he said at one time he was in the wagon business, and another time pipemaking.

Q. What employment is he is now? A. Pipemaking.

Q. How old was he when he was sent to the reformatory? A. There was a dispute; his family spoke of that the other night about some dreams; I think it was around 15 years of age.

Q. Went there under 16? A. I think he gave his age in the police court as being older than he was.

Q. Is he in the reformatory now? A. Yes, sir.

Q. How long has he been there? A. Eighteen hundred and eighty-seven or 1888, I am not certain.

Q. Do you know whether he has reached the position of officer in the regiment? A. He took the championship, he told me, on competition drill; I see by your papers he had also taken three or four prizes that he mentioned.

Mr. White.— This man's name wasn't furnished to us as one of the witnesses to be called. It don't matter a great deal.

Q. Do you know whether your brother-in-law has ever been in the red suit? A. I have no doubt he has because he said he was kept in the lower grade a long time and it was all his own fault he was kept there.

Q. You only know from what he said? A. Of course.

Q. How often have you visited him? A. Only on that one occasion; that is about a month ago; little over a month ago.

Q. Do you know he has lost a finger since he has been in the reformatory? A. He lost a thumb; he said he was fooling with a machine and through some carelessness or other it had catched his thumb.

Q. Didn't he claim to you he was compelled to work before that had healed, while his hand was still sore? A. No.

Q. Does he write to you or his sister? A. Writes to his sister.

Q. You say during the entire six years you haven't seen him except upon this one occasion? A. That is all; we haven't seen him any more than that.

Q. Do you know how you came to be subpoenaed to appear here before this committee? A. I do.

Q. How? A. I told Mr. Kimball of the wonderful surprise we had both been taken by.

Q. Who is he? A. The outdoor agent, I believe, here of the Elmira reformatory, and through illustrating that matter to him, the great surprise we had been taken by in seeing him, I began to relate the conversation to him and I suppose from that he dropped me in the basket with the rest of the witnesses.

Q. When were you subpoenaed? A. Yesterday.

Q. You didn't know you were to be called as a witness until yesterday? A. No knowledge of it.

Q. When were you first spoken to about testifying? A. I think, after that conversation, if my memory don't fail me, Mr. Kimball made some remark to that effect saying, "I will see you later, Kelly."

Q. Do you know anything about your brother-in-law having been punished? A. I undertook to ask him and he didn't answer me at all, but he said he deserved everything he got in that institution.

Q. He didn't tell you he had been punished at all in the bath-room? A. No, sir.

Q. What is your brother-in-law's number? A. Twenty-eight hundred and something; I couldn't exactly give it.

Q. You expect that your brother may be more kindly treated by your taking a kindly interest in Mr. Brockway's behalf? A. I do not; on the contrary, if he is not deserving of it I do not believe in letting him out; Mr. Kinball has stated to me what the rules of the institution was in relation to that; I said, "If he disobeys the rules when he comes out, I will be the first man to return him back to Elmira.

Q. All the actual knowledge you have in reference to the working of the institution is what you have learned in reference to your brother-in-law? A. That is all.

Q. You know nothing about the other cases? A. No.

Q. Nothing about the manner in which they have been treated? A. Nothing at all about it.

Q. Whether the charges they are making against the management are true or false? A. I know nothing about that.

Q. How long have you been engaged about the court-house? A. I was previously engaged there for nearly twelve years before accepting the position of court officer, and I have been there now going on four.

Q. What was your occupation between the two employments? A. I was foreman in the department of public works.

Judge Gilbert.— I have understood it that, so far as the benefits derived from the reformatory system adopted in that institution, that wasn't to be questioned at all.

Mr. Litchfield.— We understand it is a very beneficial institution in many ways.

Judge Gilbert.— I know I understood it as far as that subject was concerned, it wasn't to be inquired into.

Mr. Stanchfield.— The charges that are filed and that are presumptively evidence, or at least are in the case, attack the

reformatory from every standpoint, in the matter of finance, discipline and everything else.

Judge Gilbert.—I suppose the main thing, if not the only charge, was that the method of discipline adopted there was harsh and cruel.

Mr. White.—The charges are in writing.

Mr. Stanchfield.—You don't imagine we wouldn't be under fire if they could find anything else affecting us.

Mr. White.—Cruelty and mismanagement is the sum of the charges.

Mr. Babcock.—That the prisoners were maimed and crippled there and we put a stranger there to show the improvement, in one instance.

Judge Gilbert.—The charge isn't every inmate was maimed and abused.

The witness.—He stated the loss of his limb through his own carelessness.

Thomas Jenkins, No. 16, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Were you ever confined in the Elmira reformatory? A. How do you mean, spanked?

Q. Were you ever sent to the reformatory? A. Yes, sir; I was.

Q. For what were you sent to the reformatory? A. Burglary.

Q. From what place? A. New York.

Q When were you sent up there? A. December 12, 1890.

Q. What was your age at the time? A. Eighteen.

Q. Had you ever committed any offense prior to that? A. No, sir.

Q. Were you at any time before that confined in Randall's Island Juvenile Asylum? A. I was there from Bellevue Hospital.

Q. Confined there for how long a time? A. About five years in Randall's island.

Q. Did you plead guilty to the offense with which you were charged? A. I didn't commit no crime to be sent there.

Q. The charge that was made against you when you were sent to the reformatory? A. I pleaded guilty.

Q. That was grand larceny, second degree? A. I give it more than grand larceny, second degree.

Q. When were you paroled? A. May 17, 1893.

Q. May twentieth, wasn't it? A. I think it was May seventeenth.

Q. What have you to say with reference to the treatment which you received from Mr. Brockway while you were confined in the reformatory? A. I think I got treated all right.

Q. Have no complaint to make? A. Only spanked once or twice, but that, I think, gave me a good lesson to behave myself and get home.

Q. Which was it, once or twice? A. I was spanked once and the second time he let me go.

Q. Weren't you, on May 20, 1891, spanked? A. I don't now remember; I know I had been in once or twice in the bath-room.

Q. Four blows? A. Yes; I think it was.

Q. Any more than that? A. No; I don't remember.

Q. October 16, 1891, weren't you again spanked? A. He let me go that time, I think.

Q. Sure? A. I think he did.

Q. Don't you remember that on the sixteenth of October that you were spanked and received four blows again? A. I don't believe I ever got as many as four; I know I only got one time and then I got three or four; I couldn't exactly count.

Q. Do you know you were spanked twice? A. Yes; I know that.

Q. Again, on the 26th of December, 1891, weren't you again spanked? A. Yes; I got one, and that was on the stomach, but it was a very slight blow.

By Mr. Litchfield:

Q. Were you standing facing Mr. Brockway? A. No; I was facing the wall.

Q. Who hit you? A. Mr. Brockway; he didn't strike me on the stomach, because he had the strap hanging; he told me to get out, and I went out.

Q. He told you to get out? A. Yes.

Q. Weren't you spanked June 20, 1891? A. I don't believe I was spanked as many times as that at all.

Q. And August 10, 1891, weren't you spanked? A. I exactly don't remember the days when I was in the bath-room; I have been there so long I don't remember it.

Q. You must remember how many times you were spanked? A. Three or four times; I know it, but I didn't get most of the times spanked.

Q. I am speaking of the number of times you were taken to the bath-room and spanked; now you say you were spanked three or four times? A. Yes.

Q. Weren't you spanked as many as six or seven times? A. Not as I remember.

Q. If your record shows you were spanked seven times, is the record correct? A. It might be correct; I don't remember it;

but I hadn't got spanked most of the times I went in the bath-room.

Q. Do you say if the record shows you were spanked seven different times the record is incorrect ? A. It might be; yes, sir; I don't remember getting spanked as many different times as that; it may be correct, if he says so.

Q. When you first commenced giving evidence with reference to the number of times you were spanked you are very positive you were only spanked once ? A. Once or twice; I told you a couple of times.

Q. Now you say you have been spanked as many as seven times ? A. I say if he says so; I didn't get as many times spanked as seven times; he took me down in the bath-room those days, but I asked him to let me go, and he let me go.

Q. The record says you were spanked upon each of those dates that I have named ? A. is that correct or not ? A. I remember once getting four or five blows, and I stood there and he asked me if I had enough, and I said yes, and then he let me go out; I don't remember as getting as many blows as what it says on the paper there; I never took pains in counting them.

Mr. Hoppe.— The record only shows he was spanked twice.

Q. Do you state positively you received one blow upon the stomach ? A. Yes, sir; a very slight blow; it didn't amount to anything.

Q. Upon the bare flesh ? A. Yes, sir.

Q. With what ? A. Strap.

Q. What class did you enter when you entered the reformatory ? A. The lowest class.

Q. What class were you in when you received your discharge ? A. Second intermediate.

Q. What occupation are you in now ? A. Plumber.

Q. What occupation did you learn while you were in the reformatory ? A. Clothing cutter.

Q. Had you ever worked at plumbing before you went to the reformatory ? A. Yes, sir; I did in Jersey City.

Q. That is the occupation which you have filled since you left the reformatory ? A. Since I left the reformatory.

Q. Did you have any trouble with reference to observing or being able to observe the instructions or rules and regulations ? A. I don't really understand.

Q When you tried to obey the rules and regulations did you then have any trouble? A. Not a bit.

Q. What effect do you say the spanking had upon you? A. I don't understand.

Q. Did the spanking do you good? A. I think it did.

Q In what respect? A. To brace me up to get home.

By Mr. Litchfield:

Q. When did you leave the reformatory? A. I think it was May seventeenth.

By Judge Gilbert:

Q. Was there anything said to you in reference to your giving evidence before the committee before you received your absolute discharge; did anyone speak to you about being a witness? A. Not as I remember.

Q. Your memory is not very good? A. I know what I am talking about.

Q. Who first spoke to you about testifying before the committee here? A. They sent me a letter asking me to come over here.

Q. Who did you first see in reference to coming here? A. I got a telegram; somebody came down to the house and told me to be over.

Q. Did you get a telegram first or did some one first come to the house to see you about it? A. The first time some one came to the house.

Q. Who was it first came to the house? A. An inmate.

Q What was his name? A. I don't know his name.

By Dr Smith:

Q. Were you lame when you went to the reformatory? A. Yes, sir.

Q. What was the matter? A. I had hip disease; I fell off a shed and broke my hip.

Q. How long before you went to the reformatory? A. I have been lame since a boy 5 years old.

By Judge Gilbert:

Q. You say you have hip disease? A. Yes, sir.

Q. Had it before you went to the reformatory? A. Yes, sir.

Q. Did Brockway know you had that disease? A. I told him, and I was lame when I went there.

Q. Tell him that before you received punishment? A. He could see it with his own eyes.

By Mr. Litchfield:

Q Did Dr. Wey examine you before you were paddled or after? A. Nobody examined me before I got paddled.

Q. After you came out you were not examined by Dr. Wey or any other doctor? A. No, sir.

Q. Were you ever in the seclusion cells or solitary cells? A. No, sir.

By Judge Gilbert:

Q. Were you ever in the hospital while you were there? A. Never.

Edward Robinson, No. 17, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Were you ever confined in the Elmira reformatory? A. I was.

Q. From what time to what time? A. From May, 1884, to April 1, 1888.

Q. Nearly four years? A. Yes, sir.

Q. For what offense were you sent to the reformatory? A. Grand larceny, second degree.

Q. From what place? A. New York city.

Q. During the time you were in the reformatory did you hold any official position as an inmate officer, or monitor, or officer in the ranks? A. At that time there was no military system; I was upon parole as an officer there after that period, after 1888, that is, for five months.

Q. During the time you were an inmate? A. I had charge of the office.

Q. What office? A. Guard-room floor office.

Q. How long a time were you in charge of the guard-room floor office? A. Very nearly three years.

Q. During that time, were you frequently brought in contact with or communication with the inmates? A. I was in contact with every inmate.

Q. What have you to say in reference to Mr. Brockway's treatment in your case? A. Naturally I have nothing to say against him, but for him, otherwise I would come here to testify in his behalf.

Q. What did you observe in reference to his treatment of other inmates? A. I think his treatment was as the inmates deserved.

Q. Were you ever present at any of the punishments that were inflicted? A. I was; I was punished myself, and afterwards being an officer there I attended the punishment several times.

Q. How many times were you punished yourself? A. I was once down there, and was punished three or four times; I couldn't tell how many times I was struck, but I was once punished myself.

Q. You were only punished once? A. Once, corporal punishment.

Q. You were present when others received similar punishment? A. I was.

Q. How many times? A. Twice I remember distinctly, and the third time I came in when it was about over.

Q. Did you ever at any time see inmates with bruises upon their faces indicating they had been severely punished? A. I have never — I have seen out of a hundred men who were punished in the bath-room, ninety of them had to come to me for a pass to go out to their work after being punished, and I have never seen a bruise on any man's face or body; if it was on their body I couldn't see it for the reason he had his pantaloons over, but in his face I never seen one, and every night there was a school night, and each and every inmate had to pass me, and those who didn't go to school I visited them in the cell to find out the reason why they didn't go to school, and I never seen a man with a bruised face; I have never seen a black eye there.

Q. Did you keep or make the record with reference to the punishments? A. I did at one time.

Q. For how long a time? A. For a period of five or six months.

Q. About how many of the inmates received punishments, that is, spanking during that time? A. I will have to weigh that question in this way; you say how long I kept the record; I understand by record I put in the book how many strikes each man receives; for fourteen months I was in charge; we kept the record of each and every man in the institution.

Q. Give the number, as near as you can estimate, of convicts or the number of punishments, corporal punishments that were inflicted upon the inmates during that fourteen months? A. I really couldn't give you no estimate; I couldn't swear to it.

Q. You can give something of an idea? A. I give you the idea that it is about —

Q. About how many would it average per day? A. I will say four at the time punishment was going on, three or four inmates were punished; it might be once a week, four times a week; I don't believe it was more than four times a week the superintendent visited the bath-room.

Q. You think it would average about four punishments a week? A. No; it would average, say fourteen men a week; one week might be twenty and the next week five or six.

Q. Do you mean it would avereage fourteen inmates taken to the bath-room or fourteen inmates punished, spanked, per week? A. I say fourteen men were spanked in the bath room.

Q. That is your best judgment? A. Yes, sir.

Q. Do you mean to say that during the entire fourteen months that you never saw an inmate with a bruised face or abrasion upon his head or face, indicating he had been severely punished? A. Not from the bath-room treatment I have never seen a black eye; an abrasion I have only seen twice, which was brought upon by an officer in self-defense; that is, he gave an abrasion to the inmate; it isn't a black eye, but simply a scratch in the face; it was given by an officer in self-defense, and one on the nose; I saw the man that gave the scratch.

Q. Were you present when the inmate received the other bruise? A. I was not present, but I was there inside of ten minutes afterwards.

Q. As far as that was concerned, what you know about it was what you heard from others? A. Yes, sir.

Q. The other you were present? A. Yes, sir.

Q. What is your occupation now? A. Is it necessary to state it here, make it bookkeeper; I am engaged in clerical business.

Q. What have you to say with reference to the inmate monitor system adopted in the reformatory? A. Of course it has two sides to the question; we have to look into one side and look into the other side.

Q. What is your view of it? A. My view is about the same as the citizen against a policeman; he is the same man as he is; he is above him in a certain way, and he can abuse it and he can behave himself; I think I am in favor of the monitor system at the time I was there in 1888, what it is to-day I couldn't tell you.

By Mr. Litchfield:

Q. Do you favor the inmate monitor system, placing one inmate above another? A. At that time it was different from what it is now; that time it was a good system.

Q. How many monitors were employed then? A. At that time the monitors on salary were about four to six; the monitors without salary, who acted as officers in locking up men and unlocking them, and head hallman, and monitors in dining-room and kitchen, I think about twenty-five to fifty.

Q. There were enough monitors there for you to form a good idea? A. I handled their reports; every inmate report I referred to the superintendent or principal keeper before I filed a copy of it to the inmate; all reports had to be countersigned by an officer and at that time they were usually investigated before they were filed.

Q. Investigated before a jury of the inmates on court-martial? A. At that time the principal keeper, or Mr. Hoppe, or the super-

intendent himself, brought men face to face, and one man made a statement against the other; if a serious case, a jury was selected of three inmates, and a man had a perfect right, if he objected against one man, it was allowed to him.

Q. That was the system in use when you left there? A. Yes, sir.

Q. So far as you kept the record, did you make it correct of the spankings? A. As correct as I could.

Q. From what did you make the record? A. Memoranda furnished by the superintendent on the top of the reports, and I copied exactly into the ledger.

Q. Your ledger showed correctly what was contained in the reports that were presented to you? A. Yes, sir.

Q. As to whether those reports were true or not you couldn't say? A. No; I couldn't.

Q. I am requested to ask you if, from your experience, and what you say and know in reference to the reformatory, that you favor corporal punishment? A. I do, most emphatically.

Q. Did you ever hear any profanity on the part of Mr. Brockway? A. No, sir.

Q. Were you present at the time when Mr. Brockway gave inmates an interview when they first entered the reformatory? A. Yes, sir.

Q. As a general thing were you present during the time you were in the reformatory? A. Yes, sir.

Q. Did you act as a clerk upon those occasions? A. I did.

Q. And also act as interpreter for Germans; did you understand the German language? A. Yes, sir.

Q. Upon these occasions did you ever hear Mr. Brockway use any profane language? A. I never did.

Q. Or ask improper questions? A. No, sir.

Q. Ever hear him ask an inmate any questions in reference to his parentage? A. Never.

Q. Never heard him ask any question of that kind? A. I heard him ask questions but never anything in disrespect to the inmate.

Q. Ever hear him say to the inmate his mother or sister was a prostitute? A. Never.

Q. Never in all the time you were here you never heard a question of that kind? A. No, sir.

Q. Never heard Mr. Brockway, upon any of those occasions, use harsh or profane language? A. No, sir.

Q. Never? A. Never.

Q. You can't call to mind a single occasion when you heard Mr. Brockway use an unkind word toward an inmate? A. An unkind word.—

Q. Speak unkindly or harshly to an inmate? A. I have.

Q. Upon many occasions? A. No; not upon many occasions.

Q. You do say positively you never, upon any occasion, heard him use profane language to an inmate? A. I do.

Q. Or to any officer or to anyone connected with the institution? A. I never heard it.

Q. What was the harsh language he used, that you recollect? A. After a man being in the bath-room, and received continual reports the superintendent sent me down to the man's room to call him up; he brought him up in the interview and spoke pretty harsh to him and made the man fear another punishment and afterwards the man promised to do better, and the superintendent used to give him a kind word and might promote him from the third grade to the second grade to see if he would keep that promise; it was only when he did use a harsh word, it was more to frighten him to bring him up to do better.

Q. When you say harsh words or harsh language you mean by that he would speak angrily; as if he was in anger? A. If the anger was put on or if it was really anger.—

Q. Did he have the appearance of being in anger? A. No; not to me; it might be to the inmate.

Q. You say he used harsh language; what was his appearance; whenever he appeared to be angry? A. I have to weigh this question; what do you mean by harsh language?

Q. Language indicating he was angry? A. Yes; he was.

Q. Did you observe that upon a good many different occasions? A. No, sir; comparatively few.

Q. Did you know a man named Cunningham, an inmate? A. I do.

Q. Were you present upon the occasion when it was alleged a hot iron was used for the purpose of forcing him from his cell? A. I was there.

Q. Were you present at the time; at the cell? A. Not at the cell; I seen the iron.

Q. Did you see the iron at or about the time it was used for the purpose of removing the man? A. Yes, sir.

Q. Whereabouts were you when you saw it? A. On the guard-room floor.

Q. How near the cell? The cell was very near the end cell in the south block.

Q. Who had the iron? A. Keeper McLaughlin.

Q. What was he doing with it? A. He was carrying it from the dining-room toward the cell.

Q. What had he been doing with it in the dining-room? A. Heating it; it was brought in the dining-room from the boiler-room.

Q. He passed you with the heated iron? A. He didn't pass me; I seen down on him.

Q. Were you upon the same floor? A. He was on the floor below.

Q. You were upon the guard-room floor above? A. Yes, sir.

Q. What were you doing on the guard-room floor? A. I was ordered there; the citizen clerk being out, I was ordered there to keep all inmates off that floor.

Q. Was the iron red hot? A. No, sir.

Q. What was the color of it? A. It was as black as coal.

Q. Were you in a position where you could see the man as he was removed from the cell? A. No.

Q. Did you see him after he was removed from his cell, immediately after? A. No, sir.

Q. Could you see whether his clothes were burned or not? A. No, sir.

Q. What do you know with reference to the notices or information being given inmates when they were in the third grade, of the loss or death of near relatives? A. If a letter or telegram came of the death of any inmate it used to go to the superintendent; the letter was marked "special," and laid on the superintendent's desk in the inner office, and if it was the loss of a near relative, like father and mother, the superintendent used to say.

Q. What was done? A. Some of them the letter was delivered that same evening; some of them the man was called up to the superintendent and he broke the news to him before he gave him the letter; it was always a notice on the evening of the same day the letter or telegram was received; that was always done.

Q. How do you know it was always done? A. Well, I think I made more statements than I had a right to make; I never knew of any case that wasn't done that way; there might have been something done that I didn't know of, but that was always done when I was in the office.

Q. What you can say is this; so far as you understood it, that was the custom? A. That was the custom.

Q. Was it your duty or part of your duty, to call up the men? A. Yes, sir.

Q. And the telegrams and letters would pass through your hands? A. Yes, sir.

Q. Did you open them? A. No, sir; the letters were open when I got them.

Q. Somebody received them and opened the letters before they were handed to you? A. Yes, sir.

Q. After they were handed to you, you became acquainted with their contents? A. No, sir; after the letter was opened, they went to the superintendent, and the superintendent read them and I delivered them, but I have not read anybody else's letters but my own.

Q. You delivered them to the men yourself? A. I did.

Q. You can't say you delivered all the letters that were received by the superintendent containing information with reference to the loss of the relatives of men in the third grade; that all those were delivered to the superintendent or the superintendent delivered them all to you? A. Of course not.

Q. What department did you work in when you were there? A. I was five months in the brush shop, then I went to the guard-room floor office; then I went back to the brush shop and was paroled there.

Q. What do you say in reference to men being able to perform the task set for them? A. Any man who applies himself to the work can do the task, and those men who can't do the task if they had any ground for it were subjected to an examination by the superintendent, and the superintendent took them off the task; I only know two cases, in my experience, when I was instructor there that they couldn't do their task.

Q. You were instructor there? A. I was in the brush-drying department, on parole.

Q. You say you are a clerk now and you are a bookkeeper? A. A man who works in an office is a clerk, and also bookkeeper.

Q. The office in which you are employed, you are both clerk and bookkeeper? A. Every office in the United States a clerk is also a bookkeeper; I don't make no distinction; a bookkeeper is a clerk.

Q. But is a clerk in every office a bookkeeper? A. Not every clerk is a bookkeeper, but every bookkeeper is a clerk.

Q. Are you employed in any particular office now? A. I am.

Q. Have you been recently engaged in selling clothes, underwear? A. No.

Q. To anyone? A. Never was.

By Mr. Litchfield:

Q. You stated you were employed at the store-room near the bath-room? A. No, sir; I was on the guard-room floor office.

Q. You say there were about fourteen prisoners paddled a week? A. I would make that an average; it is so long ago I couldn't form an exact estimate.

Q. How do you know those men were paddled? A. By the reports which come back from the superintendent.

Q. You learned that from being bookkeeper? A. Yes, sir.

Q. You didn't know that by being near the bath-room itself? A. No, sir; by the reports given to me.

Q. The same source of information that the committee have? A. Yes, sir.

By Dr. Smith:

Q. You were present twice? A. I was once myself punished and twice while I was an officer there.

Q. Who was present at that time? A. Mr. Winnie, Mr. McLaughlin, Mr. McNish and the superintendent.

Q. Did you see the inmate come into the room? A. Yes, sir; I opened the door for the inmate.

Q. How did Mr. Brockway receive them, harshly or otherwise; what was his manner toward them? A. I couldn't give you no idea what his manner was; he showed him the report and told him that if it was the first offense — I will give you my instance; I came there; I was brought in by the officer; reports were shown to me, and the superintendent told me it had gone far enough, and I had to make a change; I was told to remove my clothing; I was punished; the superintendent called me one side.

Q. Were you told if you moved your head from a straight position or looking at some particular object you would be punished for that? A. No, sir.

Q. Were you told to look at anything? A. At that time it was different; it was in the old solitary; there was an iron post there, and I was told to stand that way and look the other side of the post; you actually had one side of the cheek leaning against the post so you couldn't possibly move; afterwards punishment was inflicted in the bath-room.

Q. You rested your head against something? A. My face was this way, and I naturally leaned against the iron post.

Q. In the other cases did they do the same, those that you saw? A. Those that I saw was different; at that time it was in the bath-room a man faced the wall; he couldn't look at anything else but the wall.

Q. Was he told to look steadily at one thing and not move his head? A. He was told not to turn around and stand up straight.

Q. Did they stand up straight? A. I really couldn't tell you; I was very much excited myself.

Q. Why were you excited? A. You naturally would, seeing a man punished, wouldn't you? I have an excitable nature in that regard.

Q. What excited you, the severity of the punishment or the nature of it or fear of it? A. There is enough shouting going on

when a man gets the least stroke, a man shouts enough as if he got a million strokes, and in fact I didn't care to see it; I felt for the man too.

Q. Don't you think if one of them was punished publicly so all of them saw it and was as much disturbed as you were, it would have not only a reformatory effect on the individual punished, but on all that saw it, have a deterring effect? A. You have to take the character of each inmate into consideration; some inmates wouldn't care, another inmate when he took his pantaloons down it would be enough degradation that he wouldn't care to go there again.

Q. How would it do to have the punishments public, all the prisoners see it, wouldn't it have a good effect on the most of them? A. It would.

Q. A deterrent effect? A. It would.

Q. The degradation and pain? A. The degradation itself would keep a good many away from there.

Q. It had a very decided effect on you? A. It did; when I seen it I was on parole.

Q. Had you been punished yourself before? A. Yes; after being there the third, the fourth month, and after being through the first grade, and instructor in the brush shop; I was removed from the brush shop to hall duty.

Q. Had you any means of determining whether the punishment did any of them any good, whether it was beneficial in the way of reforming them, compelling them to attend to their duties? A. If it was not beneficial —

Q Have you any personal knowledge of men whom you thought it benefited? A. Yes, sir; I have seen men from the fear of getting punished again would make them better records; would prevent them talking so much and fooling around; they would do better for fear of the punishment; at the same time they would advance in grade by it.

Q. Is there a class there to which punishment is necessary in preference to any other method, in your opinion? A. There is; I have seen men confined in a small box in the brush shop; inmates were always looking around and talking and brought other inmates in trouble; he built a row of boxes of about twelve to fourteen, an inmate was put in, open on the top so the officer could look down on them from the stand, and they were doing their work in there; even in there you couldn't keep them quiet; the only way to deter them was by physical punishment; the only way you could deter them; no monitor report, no advice could ever produce anything but to be punished.

Q. You did find some were reformed in that way? A. Yes; a good many.

Q. Became better men? A. Yes, sir.

Q. Was that very general? A. I think it is.

Q. Or any made worse, in your opinion? A. I never saw a man made worse; he always got up at the end, after he had enough he quit; he went to work and made a better record for himself.

By Mr. Litchfield:

Q. Do you think men were ever made toughs or toughened by it? A. No, sir; I think it took the toughness out of them.

Q. Any men glory in being paddled? A. I think when a man used to come back from the bath-room he used to tell the other inmates if he had an opportunity he wasn't spanked at all, the superintendent just give him a lecture; he used to hide the fact he was punished.

Q. When he came out did he try by his demeanor to hide it, or try to disguise the fact? A. I found him afterwards, when I was in the shop, when inmates came back they made a false laugh on it; they had kind of a smile while tears stood in the eyes; to make believe to the other inmates they didn't get punished when, in fact, they were punished.

Q. You think they felt it was a degrading punishment? A. They laughed to make the other inmates believe they didn't get punished.

Q. Do you think reform comes from the punishment or the degradation? A. Some of it; I will say thirty per cent of those who were punished; the fact they degraded themselves influences them to make a better record, and the balance, the fear of after punishment if they don't behave themselves would influence them to make a better record; I should think a very small percentage of the men felt the degradation.

Q. You were very familiar with the tasks in all the departments? A. I was.

Q. In any instance was it a common thing that the task was too great, the system of reporting was unfair, because a man couldn't perform his task? A. I would like to apply that to my own case; when I came to the reformatory my object was to get a clerical position, and the work at the brush shop didn't agree with my temperament; I didn't like it.

Q. Did you have a choice of trades? A. I did not; I was compelled to go there, and I was promised if I would put my mind to do my work I would get a change, and in five or six months I tried all kinds of schemes to get away from my work, but I didn't get a

change until I compelled myself to do my task, and when I did do my task I was changed to work that I would like to have; I have seen men claiming they couldn't do their task in my department; in a case of that kind we used to go to the superintendent; he used to write a note asking to give an explanation why that man couldn't do his task; I took the inmate assistant and placed him about where the man was, and myself, and I watched the man and seen where he was lacking, and I made a report of that kind to the superintendent; there were only two cases where, in my opinion, I didn't think the man was capable of doing the task on account of inability.

Q. Were they changed ? A. They were, immediately after, and in one case the amount of marks was allowed to him; the man was phlegmatic; he was slow.

Q. Were you in the schools ? A. I was in schools three or four months; I came in the highest class.

Q. You didn't see much of the schools ? A. I did; yes.

Q. Did you ever find some of them taxed more than they could learn and punished because they didn't ? A. I never seen a man subjected to physical punishment on account of not doing the work in school; I have seen men complaining they couldn't do their task in school; they failed on examination and was referred to the teachers, and the teachers paid special attention to that man, and in several cases the superintendent would lower the man, take him from a higher class to a lower class.

Q. You don't know one was ever punished from that ? A. No.

Q. Did you ever see one become insane there ? A. I have seen men become insane.

Q. What department was he ? A. I seen a man become insane in the kitchen, a gentleman who testified here already or will testify.

Q. What was the cause ? A. He was melancholy.

Q. It wasn't because he couldn't get on in his school ? A. No; I have seen men feigning insanity that afterwards gave it up when they found out they couldn't, when they were subjected to examination by the doctor, and in the rest cure cells they gave up and went to work again; their insanity was driven out in that way.

By Mr. Litchfield:

Q. What percentage, believing in corporal punishment as you do, what percentage of men in the reformatory really required it, every one that went there did not require it; about what percentage would you say required physical treatment at that time ? A. It is not that the sensitive man does not need the punishment;

the sensitive man needs the punishment if he don't behave himself; each man makes his own record, and according to the record he needs a punishment; it might be a man who has a good deal of feeling, yet he keeps on talking.

Q. You would apply corporal punishment to every man who violated the rules? A. Not every man the same way; I would judge a man's character.

Q. Would you apply paddling to every man if he insisted on violating the rules? A. No.

Q. About what percentage of the inmates, while you were there, really required to be handled in that way; some men can be handled by one punishment and another by another, but by paddling, about what percentage of men ought to be treated in that way? A. I really would hesitate to make a statement on that; I wouldn't be justified in my own opinion.

Q. Fifty per cent? A. I think where the inmate comes from the representatives from New York, I would say fifty per cent.

Q. The majority do come from the great cities? A. I would say fifty per cent; those that come from the rural districts are usually men, if they are not sensitive, are a better class of men; they have not these nonsensical ideas; a man that comes from New York city, I seen shortly after the superintendent was through with them; I made them sign that we could open his letters; I have supplied them with stationery and sent them to the shops, so I came in contact with them — a man that comes from New York city has an idea that his influence, even if he has none, would be a benefit to him, and that idea influences men and has such prominence that he thinks he owns the reformatory.

Q. You think the New York men need paddling more than the country men do? A. I do.

Q. You think fully fifty per cent of the New Yorkers or Brooklynites require paddling? A. Make it thirty-five, about one-third of the men that come from New York city.

Q. The remaining two-thirds can be handled by other treatment? A. Yes, sir.

By Judge Gilbert:

Q. You happened to belong to the one-third class? A. I was most unfortunate to belong to it.

Q. How many blows did you receive upon that occasion? A. I wouldn't make a positive statement; I should think between three and four.

Q. What were you punished for? A. Persistent violation of rules.

Q. You say you were present upon one occasion when an inmate was punished? A. Yes, sir.

Q. That was after you had received your parole? A. Yes, sir.

Q. And was in the employ as an officer of the reformatory? A. Yes, sir.

Q. Upon that occasion you were so agitated that you are now unable to state correctly what occurred? A. Theoretically I said so.

Q. What was it that occurred there that agitated you to that extent? A. The knowledge of my own punishment which I had received previous made me look away from that; the feeling which I brought with me of being punished myself was such that it was disagreeable to my mind yet, and I looked away; I didn't want to see it.

Q. Do I understand by that that the recollection of your own punishment created in you a sympathy in behalf of the inmate that was being punished? A. False sympathy I might term it.

Q. You were failing to observe what was occurring, not because of actual sympathy, but because of pretended sympathy? A. Yes, sir; that is perfectly right.

Q. Who was this inmate that was being punished at that time? A. A man named Keegan.

Q. What is his consecutive number? A. If I am not mistaken it was 2521.

Q. Who was present at the time that punishment was given? A. The superintendent, Keeper Winnie, Officer McNish, McLaughlin and myself.

Q. When was it? A. It was in 1888.

Q. What month? A. I think it was May or June; it was in the summer of 1888.

Q. How was this man placed when he received his punishment? A. He was placed against the wall, by the window.

Q. Was he chained up? A. No.

Q. His hands placed upon a certain point? A. He was told to hold his hands this way.

Q. And to look in a certain direction? A. I didn't hear that remark made.

Q. How many blows did that man receive upon that occasion? A. About four or five.

Q. Did he receive any blows upon any other portion of his body than upon his buttock? A. That is all.

Q. You never saw an inmate receive a blow over the head for any cause? A. Not by the superintendent; I have seen it done by an officer.

Q. I mean in the bath-room? A. No, sir.

Q. You say from your experience and what you saw, etc., that paddling had a beneficial effect? A. Yes, sir.

Q. Do you mean that it had any further beneficial effect than it simply compelled or made the inmate a better prisoner, that made him more likely to observe the rules of the prison; wasn't that the effect? A. It had two effects; that was one.

Q. Do you mean to say that in fact the paddling gave the man a better spirit and a better heart, that it inclined him to do right more than any other kind of punishment would have been likely to do? A. I mean to answer that in a different way; I can't answer yes or no to that; a man who goes in the bath-room hasn't got the distinction, he is so low; he has a high estimate of himself but is low in character; he does not know that it is the greatest degradation to take his pantaloons down in front of another man; and the punishment he received makes him a better man in this way; that he knows he had to obey the rules, and by obeying the rules he makes a better man himself, and a man that has control of himself naturally is a better man than the man who hasn't; it has a moral way and physical way; it might be the first instance the man received the punishment; it might hve only a superficial effect, but the very act of the man getting punished makes him keep the record; shows the man at that time receives self control; that he has assumed control of himself; that he does not violate the rule and naturally makes him a better man both ways.

Q. Makes him a better man from the subsequent experience he undergoes? A. Certainly.

Q. Take a man spirit; do you mean to say requiring that man to take down his pants in the presence of others and submit to spanking, that that improved the spirit of the man; improves him in manhood, etc.? A. Improves him in this way.

Q. Just answer that? A. Either way I answer you I wouldn't justify myself by saying yes or no.

Q. Do you mean to say a man with a manly spirit; that a man who had been compelled to strip in that way, and submit to a punishment of that kind would be likely to forget it very soon? A. I don't believe he will forget it.

Q. Don't you believe as soon as he could, probably, he would resent it? A. Not if he is an intelligent man.

Q. You speak particularly with reference to prisoners from the city; did you observe the effect that spanking had upon inmates that came from the country? A. Yes; I did observe the effect upon them.

Q. Do you think it had the same kind of beneficial effect upon those as it had on the city inmates? A. No.

Q. They resented? A. They were more of a bull dog spirit.

George Robinson, No. 18, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Were you ever an inmate of the Elmira reformatory? A. Yes, sir.

Q. From what time to what time? A. From 25th of March, 1888, until the 7th of September, 1889.

Q. Wasn't it February 25, 1888, instead of March? A. Yes, sir; that is right.

Q. Weren't you paroled about the 7th of September, 1889? A. Correct.

Q. From what place were you sent? A. New York city.

Q. For what offense? A. Grand larceny, second degree.

Q. Did you plead guilty? A. Yes, sir.

Q. You received your absolute discharge the 15th of September, 1890? A. Yes, sir.

Q. While in the reformatory, were you punished in the bath-room? A. No, sir.

Q. What was your record while there? A. Very good.

Q. Did you hold any official position either in the military or in the reformatory? A. After I was paroled I did; not while I was an inmate.

Q You didn't even act as a monitor? A. No, sir.

Q. After you were paroled, what capacity did you act in? A. I was captain of a company; I was on the stand as an officer in the foundry.

Q. For how long a period? A. For eleven months.

Q. During that time, were you brought in contact with the inmates to quite an extent? A. Yes, sir.

Q. See them very generally? A. Yes, sir.

Q. Daily? A. Daily.

Q. While you were thus acting, did you see any of the inmates having bruises on their heads or faces indicating they had been severely punished? A. Never upon their faces; I saw upon their backs.

Q. Indicating they had been severely punished? A. That they were punished.

Q. Show the committee on your own back. A. It was generally around here (buttock), right below the kidneys; I seen two men, as long as I was there, that showed me their backs.

Q. What did you see? A. I seen the flesh was a little disfigured and discolored, more blue than red.

Q. Were you ever in the bath-room or present when the inmates were punished? A. No, sir.

Q. You never were reduced from the second to the third grade? A. No, sir.

Q. Where were you placed, principally, while you were in the performance of your duty, while you were acting as a paroled officer? A. I was placed in in the foundry; I had charge of the men in the foundry.

Q. Superintendent of the foundry? A. Not superintendent, keeper, to keep the men quiet.

Q. What trade, if any, did you learn while you were in the reformatory? A. I did not learn any trade; it was not my wish to learn a trade; I had charge over the cupola where the iron was melted.

Q. Had you a trade when you went to the reformatory? A. No; I was driver when I went there, as I am to-day.

Q. You have followed the same occupation since you came out? A. Yes, sir.

James McIntyre No. 19, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Were you ever confined in the Elmira reformatory? A. Yes, sir.

Q. From what time to what time? A. From the 8th of March, 1889, to the 13th of February, 1892.

Q. From what place were you sent? A. New York.

Q. For what offense? A. Attempt to rape.

Q. You understood the maximum term for which you might have been sentenced was ten years? A. Yes, sir.

Q. When did you receive your absolute discharge? A. About six months after; the extra date I don't know.

Q. About the 5th of September, 1892? A. Something like that.

Q. What have you to say in reference to the manner in which you were treated by Mr. Brockway while you were confined in the reformatory? A. I haven't nothing to say against him.

Q. What have you to say for him? A. He treated me all right as far as that is concerned.

Q. All you can say is he treated you all right? A. He treated me all right.

Q. Were you ever taken to the bath-room and punished? A. I was taken there, but I was never punished.

Q. What have you to say with reference to the manner in which he treated the other inmates? A. I think it is mostly the inmates' fault if they are misused.

Q. You think, if they were severely punished, it was as much or more their fault than anyone else's? A. I think so.

Q. What trade did you learn while you were there? A. I didn't learn it there, but I was instructor of plumbing.

Q. Had you any trade before you went there? A. Yes, sir; plumbing.

Q. While you were in the reformatory you acted as instructor? A. Yes, sir.

Q. What is your occupation now? A. Plumbing.

Q. You followed that occupation since you came out? A. Yes.

Q. What class in school did you enter? A. I think it was the second grade, two classes from the highest.

Q. What class were you in when you left the reformatory? A. The highest class.

Q. Are you in business for yourself now? A. Yes, sir.

Q. Do you employ help? A. I do.

Q. Do you employ ex-convicts from the reformatory? A. I have got one at present now.

Q. An ex-reformatory boy? A. Yes, sir.

Q. You say you think you were treated all right while you were there? A. Yes, sir.

Q. Were you, while there, reported for lying? A. I think I was, one time.

Q. Was it true? A. No, sir; it was true first, if it wasn't after.

Q. You say that charge was not true? A. True in one way and not true in another; it was a charge against tobacco; they say I received tobacco and distributed it; I received it, but I didn't distribute it.

Q. You denied receiving it, didn't you? A. First off I did.

Q. That wasn't true? A. That wasn't true.

Q. The charge was true that was made against you? A. Half of it was true and the other half wasn't.

Q. What you now say is it was half true and half lie? A Yes, sir.

Q. You didn't ask for an investigation, and the charge stood against you? A. No, sir.

Q. Was there also a report made against you for being in the same bed with a room-mate under suspicious circumstances? A. It was made against me.

Q. Did you ask to have it investigated? A. Yes, sir.

Q. Was it investigated? A. Yes, sir.

Q. And the charge stood against you? A. No, sir.

Q. It appears upon the records? A. It says under suspicious circumstances; I lost three marks, but there was no proof against me.

Q. You lost three marks? A. Yes, sir.

Q. Do you claim that was just? A. No, sir.

Q. The statements you made a moment ago that you think your treatment was all right wasn't just correct? A. That is the way it took place.

Q. Were you also charged with receiving stolen tobacco? A. That was in the charge for receiving tobacco; whether it was stolen or not I don't know.

Q. Were you ever imprisoned before you were imprisoned in the reformatory? A. Yes, sir.

Q. In what place? A. House of refuge.

Q. For what length of time? A. That I don't know.

Q. Little over a year? A. About a year and a half.

Q. For what? A. I think it was the same charge as the other.

Q. Was that charge true? A. That was true; it was seduction.

Q. Were you ever imprisoned more than once before you went to the reformatory? A. No, sir.

Q. What was it claimed you were attempting to do when you were found in bed with a room-mate under suspicious circumstances? A. It was said I was practicing sodomy.

Q. You plead guilty on the charge made against you at the time you were sent to the reformatory? A. Yes, sir.

Q. Did you plead guilty to the other charge? A. Yes, sir.

Q. Do you now say both were true? A. As far as I study it now; at the time I was sentenced I didn't know what rape was, but it was seduction more than rape; I paid that girl for it, and that was all.

Q. If you had an opportunity to plead over again you would say you were guilty of seduction but not of rape? A. Yes, sir.

Q. Since you have been discharged have you been imprisoned? A. No, sir.

Q. Or any charge made against you of any kind of a criminal character? A. Nothing whatsoever.

John Wilson, No. 20, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Have you ever been confined in the Elmira reformatory? A. Yes, sir.

Q. From what time to what time? A. From the first of May, 1890, to the 6th of August, 1891.

Q. For what offense were you sent? A. Grand larceny.

Q. From what place? A. New York city.

Q. When were you absolutely released? A. February, 1892.

Q. Were you ever imprisoned before you were sent there? A. No, sir.

Q. What was your age at the time you were convicted? A. Twenty-eight or 29.

Q. Didn't you give your age as 22? A. No, sir.

Q. Do you know how it is the record shows you are 22? A. No.

Q. How does that come? A. I don't know.

Q. What nationality are you, where were you born? A. In Germany, Austria.

Q. When did you come to this country? A. Eighteen hundred and eighty-six, first of October.

Q. What was your record while in the reformatory? A. I think very good.

Q. You were discharged in a little over a year after you were sent there? A. Yes, sir.

Q. What trade, if any, did you learn while in the reformatory? A. Painting.

Q. Had you any trade before that? A. No, sir.

Q. What trade are you following now? A. Painting.

Q. Have you followed that trade ever since your discharge? A. Yes, sir.

Q. The same trade you learned in the reformatory? A. Yes, sir.

Q. Are you conducting the business for yourself? A. Yes, sir.

Q. Do you employ men? A. Yes, sir; two men.

Q. Employ ex-convicts? A. One man.

Q. Did you understand the English language before you went to the reformatory? A. No, sir.

Q. Did you learn it while you were there? A. Yes, sir.

Q. What have you to say in reference to the manner in which you were treated my Mr. Brockway while you were there? A. I find it right; if a man tries his best over there he gets along good; all times I was treated over there like a gentleman; if Mr. Brockway saw me in the hall or in the shop he treated me like a gentleman, and I am very thankful to Judge Cowen; he sent me over there, because I know now what is right and wrong.

Q. You think the treatment you received there reformed you, made a better man of you? A. I think so.

Recess.

AFTERNOON SESSION.

Henry Hawkins, No. 21, being duly sworn, testified:

Q. Have you ever been confined in the Elmira reformatory? A. Yes, sir.

Q. From what time to what time? A. I am not very well acquainted with the English language; I was a little bit green when I entered the Elmira reformatory.

Q. When were you sent to the reformatory? A. Eighteen hundred and ninety; December sixth.

Q. When were yo released? A. Eleventh of December, 1893.

Q. You are still on your parole? A. Yes, sir.

Q. Where were you sent from? A. New York city.

Q. What have you to say in reference to the treatment you received from Mr. Brockway while in the reformatory? A. I have nothing to say against Mr. Brockway; he treated me all right, and I learned enough; I had to keep up to the rules; first along it was pretty hard for me to keep up to the rules; as soon as I got used to the rules I kept up to the rules; I think it done me good, because I am a great deal different from what I was before I got sent there; I keep away from bad company; Mr. Brockway treated me all right.

Q. What trade did you have before you went there? A. None.

Q. While in the reformatory what did you learn? A. Plumbers trade.

Q. What occupation do you follow now? A. Plumbing.

Q. And have you followed that ever since you left? A. Yes, sir.

Q. Were you punished in the bath-room? A. I was down in the bath-room; I couldn' tell how many raps I got; it didn't hurt me.

Q. Were you punished more than once? A. I was down twice.

Q. Punished each time? A. The second time I couldn't tell whether he hit me or not; I can't remember any more; it is so long ago.

Q. You know you were whipped the first time? A. Yes, sir.

Q. How many blows? A. I think only two I got.

Q. On your buttock or back? A. On my back.

Q. You think the whipping you received done you good? A. The whipping done me good, because the second time I went down I made up my mind I wouldn't go down again; I kept up to the rules.

Q So long as you obeyed the rules you didn't have any trouble? A. I didn't have any trouble.

Q. What class did you enter when you went in the school? A. I went in P 4, and I couldn't get along, and the school secretary Hagadorn sent me in the lowest class, P 5, just above the kindergarten, and from there I went right along; I was in the red suit twice; I could have passed; after I got the blue suit, and the black suit again I braced up, and I got straight through; I never failed in school.

Q. When did you get the black suit? A. November, a year ago.

Q. And remained how long? A. Until I came out; I got in the highest grade in six months.

Q. Discharged when? A. On the eleventh of December.

Q. You are on parole now? A. Yes, sir.

Q. And are reporting to Mr. Brockway? A. Yes, sir.

Q. Do you know how you came to be subpoenaed here? A. I got sent a notice I should come.

Q. Did you write to Mr. Brockway or anyone that you would volunteer to be a witness? A. No; I didn't write to anyone.

Q. When were you permitted to write to Mr. Craig or to the investigating committee? A. I didn't have no pencil that night and I didn't write; I was working out on the reservoir; I was up in the chapel; I had nothing to say; I tore the envelope up.

Q. On reflection can you say whether you were punished the second time or not? A. I couldn't.

Q. You remember the first time? A. Yes; the second time I don't know what I went down for.

Q. Do you remember now you were whipped twice? A. I couldn't tell exactly whether I got hit the second time.

Q. Here is a record that was made up against you, and that record shows that on March 29, 1891, you were spanked, receiving B blows; July 6, 1891, you were spanked a second time, showing O blows, which indicates fifteen? A. I never got fifteen raps; if I did it would have killed me; I never could have stood that.

Q. The blows so severe you couldn't stand it? A. I couldn't stand it.

Q. How can you say you couldn't stand the fifteen blows unless you know the two blows you did receive the first time were severe? A. They put me in mind of it not to go down again.

Q. You are confident if you received fifteen such blows as you received the first time it would have killed you? A. I never got fifteen.

Q. Could you have stood fifteen blows such as you received the first time? A. The first time he didn't hurt me hard.

Q. Could you have stood fifteen such blows? A. I can't remember very well; I can't judge whether it would have killed me or not.

By Dr. Smith:

Q. How soon after you entered before you were punished the first time? A. I couldn't tell you whether I was there two months or one month.

Q. Were you punished for disobeying the rules? A. Yes, sir; I got reported for talking.

Q. You said when a man learns the rules? A. After he learns the rules he can keep up.

Q. How long does it take to learn the rules? A. A man that knows the English language can keep up.

Q. Your failure was you didn't understand English? A. Yes, sir.

Q. You couldn't learn the rules so quickly? A. No, sir.

Q. Didn't you understand English? A. I was working in the laundry and there was an officer named Boyd, an inmate, he always told me how to keep up, but the fellows talked to me, and you generally get a report for listening to them; Boyd sent reports in to me, sometimes five or six of them, which he did not tell me about that I was going to get them.

Q. How easily did you learn the rule? A. After six or seven months, then I got acquainted with the rules and kept up with them; I had to learn the English language.

Q. There was no difference made because you didn't understand English? A. No, sir.

Q. You were marked the same? A. Yes; after I got used to the rules I was pleased to keep up to them, because I enjoyed study and passing school.

Q. You had a book of rules given you? A. Yes, sir.

Q. You couldn't read it? A. I couldn't read it very well; I don't know the meaning of it; I can read the English langnage pretty fair, but some of the words I don't know the meaning of.

Q. Did you learn English there? A. Yes, sir.

Q. What grade did you enter? A. I went in the fourth set of arithmetic; I think I was promoted.

By Mr. Litchfield:

Q. You entered the reformatory December 6, 1890, within a month, a few days after you were reproved, and after that you were warned, and on the first of February, less than two months after you entered, you were notified unless you made nine that month you were reduced; what was the trouble; were you cutting up? A. First off in the school I lost.

Q. It was your schooling you were warned for? A. Yes, sir.

Q. March first you were notified of the last call, and middle of March you were reduced to the second grade as promised; was that on account of your schooling? A. I don't know.

Q. March third you were notified if you had three more bad marks you would be spanked? A. I think it was for reports.

By Judge Gilbert:

Q. Isn't it true connected with the reformatory there was a German class, where German inmates received instruction in their own language? A. Yes, sir.

Q. Didn't you also receive, in connection with that instruction, in reference to the rules? A. I don't think they have a rule book with German in it.

Q. Didn't the German teachers give you instruction in your own language in reference to the rules which you were to observe? A. I wasn't in the German class there; I entered the English class; there were Germans there.

Q. You could have applied to or did apply for instruction in your own language? A. I could have applied to them, but I never did.

Q. How long had you been in this country before you went to the reformatory? A. I think pretty near three years.

Q. Could you read English? A. I couldn't pronounce the alphabet; Mr. Hagadorn learned me the first couple of days I was there.

Q. Under those circumstances you say that you, not knowing the rules, violated them, and for that reason you were punished? A. Yes, sir.

Q. And that had you known the rules you would have observed them and avoided punishment? A. Yes, sir.

Q. Why were you spanked, what had you done? A. I think the biggest part was talking, giving sass to one another; a man enters a place; I was kind of new and strange, and I gave sass to fellows.

Q. Didn't you know at that time you were violating the rules? A. No; I didn't know that; I was too foolish.

Q. Do you think it was just to punish you for violating a rule you didn't understand? A. I think it done me good.

Q. Although you are now prepared to say it was just punishment? A. I think it done me good; otherwise I would not be such a man as I am to-day.

Q. You said, in answer to the question which I asked you as to the manner in which you had been treated by Mr. Brockway, you said you had been treated all right; do you think it was prcper treatment to spank you in the way you were punished for

violating a rule that you didn't know anything about? A. I guess if he wouldn't have spanked me I wouldn't have put my mind on the rules and learned them.

Q. Didn't you, in fact, know at the time you were doing this talking that it was against the rules of the reformatory, that it was forbidden? A. I knew talking was forbidden.

Q. The truth is that you did know that it was against the rules? A. I knew one or two rules, but not all of them.

Q. You said you were punished because you disobeyed that rule? A. Yes, sir.

Q. You admit you did know that rule existed? A. Yes; that is, talking; that is the only rule.

Q. Is your evidence in any way affected by the fact that you are still on parole? A. I don't know what you mean.

Q. Would you have testified any different from what you have if you had been fully discharged? A. No; I guess not.

Q. You claim what you have testified to is the truth? A. Yes, sir.

Q. It would have been the same if you had been completely discharged? A. Yes, sir.

Henry Hume, No. 22, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Were you ever confined in the Elmira reformatory? A. Yes, sir.

Q. From what time to what time? A. February 25, 1889, to November 27, 1893.

Q. For what offense were you sent to the reformatory? A. Crime against nature.

Q. Did you plead guilty? A. Yes, sir.

Q. The maximum term was twenty years? A. Yes, sir.

Q. What was your age when you were sent? A. Nineteen.

Q. Didn't you give your age 17? A. Yes, sir.

Q. That wasn't correct? A. No, sir.

Q. Where were you sent from? A. New York city.

Q. While you were in the reformatory were you taken to the bath-room and punished? A. Yes, sir.

Q. How many times? A. Once.

Q. When was that? A. I am not sure of the day, but I think 16th or 17th of June, 1890.

Q. Do you know how many blows you received at that time? A. No; I do not.

Q. Didn't you receive fifteen blows? A. I couldn't say; I didn't count.

Q. Where were you placed when you received them? A. Stood up against the wall.

Q. Directed to turn your head in a certain direction? A. Yes, sir.

Q. Did you remain in that position during the entire time that you were punished? A. Yes, sir.

Q. On what part of your body was the punishment inflicted? A. Across the small of the back.

Q. The buttock? A. Yes; right across the back.

Q. Show the committee where you were? (The witness indicates his hips.)

Q. Were you tied up? A. No, sir.

Q. You kept your head turned in that one direction all the while? A. Yes, sir.

Q. You didn't attempt to look in any other way? A. No, sir.

Q. Didn't receive a blow upon any other part of your body? A. No.

Q. What do you say was the effect of this punishment upon you? A. I never wanted it again.

Q. Were you a better boy after that? A. I always tried to avoid a spanking, but I was no better right away, but I did turn out after to be good, and made a parole.

Q. What effect did it have upon you at the time, make you good natured? A. Made me obey the rules a little more.

Q. What were you punished for? A. Committing a licentious act.

Q. That was the charge made against you? A. Yes, sir.

Q. And that was true? A. Yes, sir.

Q. Were you in the third grade while you were there? A. Yes, sir; three times.

Q. Were you put in the third grade after you received this punishment you refer to? A. Yes, sir.

Q. How long after you received that punishment were you put in the third grade again? A. It was the second time I was in it; then I went in it in February, 1891.

Q. Why were you put in the third grade in February, 1891? A. For loss of marks.

Q. The punishment you received June 17, 1890, didn't work such a reformation in you as to prevent your going back again into the third grade? A. It did in one way; it was on account of loss of marks in school, failed in school three months in succession, and I got knocked out in reports and I went down in the red suit.

Q. You were put in the third grade the last time because of loss of marks in school? A. Loss of marks in school and demeanor.

Q. Did you learn a trade while you were in the reformatory? A. Yes, sir; plumbing.

Q. Had you any trade before you went there? A. No, sir.

Q. Have you followed that trade since your release? A. Yes, sir; I am working at it now.

Q. Had you ever been arrested before you were arrested for the offense for which you were sent to the reformatory? A. Yes, sir.

Q. Imprisoned? A. Yes, sir.

Q. Where? A. Jefferson market and Blackwell's island.

Q. Were you arrested and imprisoned for two different offenses? A. Yes, sir.

Q. What were those offenses? A. Disorderly conduct, both of them.

Q. You are now on your parole? A. Yes, sir.

Q. Do you understand, unless your behavior is proper, you may be returned to the reformatory? A. Yes, sir.

Q. Has that anything to do with the statements which you are making now, under oath? A. No, sir.

Q. For how long a time had you been in the first grade before you were discharged? A. Four months.

Q. You had been in the first grade before? A. Yes, sir.

Q. How long were you in that grade then? A. Six months.

Q. Why did you lose your standing in the first grade that time? A. On account of loss of marks and demeanor.

Q. What have you to say with reference to the manner in which you were treated by Mr. Brockway? A. I deserved it, or I wouldn't have got it.

Q. You deserved whatever treatment you received? A. Yes, sir.

Q. His treatment, so far as you are concerned, was just? A. Yes, sir.

Q. Whatever treatment you received you merited? A. Yes, sir.

Q. What have you to say in reference to his treatment of other inmates? A. I never see any other inmates get treated.

Q. Did you see them after they had been treated? A. No, sir.

Q. You don't know anything about it? A. No, sir.

Q. Don't you know whether they were cruelly punished or not? A. No, sir.

Q. I am requested to call your attention to the fact that you were paroled November 27, 1893; that you had only been in the first grade before that four months; how was it you received your parole when you had only been in the first grade four months? A. I received a special parole on account of my mother being in hard circumstances.

Q. Do you know of any instance where special parole was granted upon such grounds as that? A. I don't know exactly the man's name; it was a special parole at the same time.

Q. At the same time you received yours? A. Yes, sir.

Q. How long had he been in the first grade when he was paroled? A. I couldn't exactly tell you; I think four or five months.

Q. He hadn't been in six months? A. No, sir.

Q. About the 27th of November, 1893, the inmates were paroled who had not been in the first grade six months? A. That was the case with me.

Q. Did you know of any cases where prisoners were paroled who had not been in the first grade six months before this investigation commenced? A. No, sir.

Q. Isn't it true that, before you were convicted of the crime for which you were sent to the reformatory that you were arrested for attempting to commit a rape in company with a man by the name of Keller, who was afterwards sent to the reformatory? A. Yes, sir.

Q. You were at that time let go without being put in prison? A. Yes, sir.

Q. Weren't you arrested for vagrancy? A. Disorderly conduct or vagrancy.

Q. The records show it was vagrancy? A. Disorderly conduct.

Q. Can you say that, when you were punished, you received more than twelve blows? A. No, sir; I can not; I didn't count them.

Q. Can you say you received more than four? A. Oh, yes, sir; I received between ten and thirteen.

Q. If the record shows you received fifteen, you wouldn't say the record was incorrect? A. No, sir; I ain't sure; I couldn't say

Q. Were the blows you received severe enough to leave marks upon your person? A. Yes, sir; they left marks.

Q. What kind of marks? A. Black marks.

Q. How long a time? A. Two days.

Q. Were you at any time confined in the solitary? A. No, sir.

Q. Did you receive warnings before you were punished that unless you obeyed the rules you would be punished? A. Yes, sir.

Q. Frequently? A. Yes, sir; I used to get a notice once in a while when I got too many reports.

Q. That one punishment was enough for you? A. Yes, sir.

Q. Did you at one time have charge of the plumbing class? A. Yes, sir.

Q. For how long a time? A. I think it was on the eighth of May, or June; I had charge of it over three years.

Q. Do you remember an inmate, a little fellow, that was in your department or class that took some acid? A. Yes, sir.

Q. And claimed that he took it because you forced him to work by giving reports, etc.; what was there about that? A. I was working at the bench and they had him working at the bench; he was kind of a wild young fellow; you had to keep him away from the other men, to save men from getting reported, so I put him by a bench by himself and kept him working by himself; I was working one day with some acid, and while I had my back turned he took the acid, and when I turned around one of the men told me he was drinking the acid, and I took it off of him before he had it all down, and he went up to the hospital for it.

Q. Had he complained to you before that the task was too hard? A. I think he had.

Q. And complained he couldn't do it? A. Yes, sir.

Q. Had you reported him for failing to perform his task? A. I don't think I did.

Q. Hadn't you informed him the officials insisted on his performing his task? A. I told him he had to do the same as other men.

Q. Had you informed him the officials insisted on his performing his task? A. I told him he had to do the same as the other men.

Q. Had you informed him before he took the acid? A. Yes, sir.

Q. What was the task he was required to do? A. Pass his examination in wiping joints, etc.; he wasn't on any other task.

Q. That he had to acquire a certain amount of knowledge in that department in order to pass? A. Yes, sir.

Q. If he failed did you tell him what the consequences would be? A. He knew the consequences, that he would lose a mark.

Q. What would that result in? A. Result in reduction in grade if he kept it up.

Q. Might result in corporal punishment? A. I don't know about that.

Q. Did he have any particular task to perform? A. No particular task.

Q. He was required to perform the work that was given to him in a certain manner? A. Yes, sir.

Q. It was what he was required to do in the trade school, learning the trade of plumbing? A. Yes, sir.

Q. Was he taken to the hospital? A. Yes, sir.

Q. How long did he remain there? A. He was out the next day.

Q. How old a lad was he? A. Might be about 18.

Q. Small lad? A. Yes, sir; not very small, five feet three.

By Mr. Litchfield:

Q. You were in the reformatory last fall when the investigation committee began their work, did you write a letter to Oscar Craig ? A. Yes, sir.

Q. Did you sign your true name and number to it ? A. Yes, sir.

By Judge Gilbert:

Q. While you were in the reformatory a great many complaints were made against you, reports ? A. Yes, sir; I think there were.

Q. One report was that you were guilty of lying ? A. Yes, sir.

Q. Was that true ? A. Yes, sir.

Q. Another report that you were guilty of licentiousness ? A. Yes, sir.

Q. Was that true ? A. Yes, sir.

Q. Destroying public property and lying about the same; was that true ? A. Yes, sir.

By Mr. Litchfield:

Q. What was the public property you destroyed? A. Taking down a tank in the wall, and I broke it; a tank over a bath-tub; I took it out and took it apart, and I couldn't put it together again.

Q. You were reduced on that account ? A. No, sir.

By Dr. Smith:

Q. What was your experience in regard to the tasks of the men in your department; were they too severe? A. I done my task when I was in the pipe-shop.

Q. You had men under you ? A. Yes, sir.

Q. Were their tasks such as they could do if they chose? A. Yes, sir.

Q. Do you remember any instances when they couldn't do them? A. Some of them could do it, and some couldn't.

Q. Suppose one couldn't do it; what was the result? A. The result was he failed in his examination, and it kept him back.

Q. Was he punished for that? A. He was reduced to a lower grade.

Q. Were any of them changed from that department to some other work that they could do? A. One that I know of.

Q. That didn't often happen that they were changed? A. No.

Q. You are working at your trade now? A. Yes, sir.

Q. Making a good living? A. Yes, sir.

Q. What wages do you get? A. A dollar and a half a day.

By Judge Gilbert:

Q. The truth is, judging from the record made against you, that down to June 17, 1890, when you received this punishment, you were a very reckless fellow in the reformatory? A. Yes, sir.

Q. Careless and indifferent as to whether you observed the rules or not? A. I was a while; I got discouraged.

Q. After you received the punishment, did you change your course? A. I did.

Q. And after that tried to obey and observe the rules? A. Yes, sir.

Q. So long as you done that you claim you got along all right? A. I got along all right in time; I didn't go right straight; I had a couple of ups and downs afterwards.

Q. Ups and downs afterwards were caused by getting marks in school? A. Yes; and carelessness.

Q. Were there any complaints made against you for lying or refusing to obey? A. Yes, sir.

Q. After you were punished? A. Yes, sir; I sent a report back and I got another one for it.

Q. Did the licentiousness occur before or after your punishment? A. Which?

Q. When the complaint was made against you for licentiousness? A. That was what I was spanked for.

Q. You say you were spanked for licentiousness; weren't you also charged after that with talking during examination? A. I think I was.

Q. And also for destroying public property? A. Yes, sir.

Q. And also insolence? A. Yes, sir.

Q. And for abetting fraud at examination? A. That is what I got reduced for.

Q. And also charged with lying about work after? A. Yes, sir.

Q. You were also reported for attempting to deceive an officer, after that? A. Yes, sir; in examination.

Q. Also reported for having appearance of chewing tobacco? A. Yes, sir.

Q. Also reported for criticising reporting officers? A. Yes, sir.

Q. And for intentional neglect of duty? A. Yes, sir.

Q. And for malingering, pretending that you were sick? A. Yes, sir.

Q. All those things occurred after you had received punishment? A. Yes, sir.

Q. So the punishment didn't completely reform you? A. I tried to avoid it every time; I never got it after.

George Roberts, No. 23, sworn, testified:

Examined by Judge Gilbert:

Q. Were you ever confined in the Elmira reformatory? A. Yes, sir.

Q. From what time to what time? A. October, 1886, until May, 1888.

Q. For what offense? A. Known as grand larceny, second degree.

Q. From what place were you sent? A. New York.

Q. Did you plead guilty to the charge? A. I did.

Q. What was your age when you were sent to the reformatory? A. About 19.

Q. You were absolutely released December 25 or 15, 1888? A. Yes, sir.

Q. While in the reformatory what was your record? A. Very good, all except one occasion.

Q. What was that? A. Disobeying one of the many rules in sending out a letter with an officer, and getting tobacco of this officer and giving it to inmates.

Q. That is about the only charge made against you? A. That was the only charge.

Q. Were you ever reduced to the third grade? A. Never.

Q. Were you ever punished in the bath-room? A. No, sir.

Q. What have you to say with reference to the treatment you received from Mr. Brockway? A. Very good.

Q. What have you to say with reference to the treatment others received from Mr. Brockway, so far as you observed? A. Very good.

Q. Did you ever hear Mr. Brockway use any profane language toward the inmates? A. Never.

Q. Or the officers? A. Never.

Q. Hear the officers use profane language to the inmates? A. Never.

Q. See any of the inmates with bruises upon their faces indicating they had been severely punished? A. Never.

Q. Black eyes? A. Never.

Q. Or bruises upon their faces or heads anywhere? A. Never.

Q. During the time that you were confined in the reformatory did you act as inmate monitor at any time? A. I did for a very short time.

Q. How long a time? A. I don't know; that would just come as a monitor; I acted as a duty man.

Q. Did you have a trade before you went to the reformatory? A. No, sir.

Q. Did you learn any trade while there? A. I did.

Q. What? A. Woodcarving.

Q. Have you followed that trade since? A. No, sir; I am in business for myself.

Q. What kind of business? A. I object to answering that question.

Q. What opportunity had you for seeing or observing the inmates while you were there? A. Very good opportunity; I was near the door in the carpenter shop, which was about the middle aisle of people passing to and fro from the shops to the reformatory entrance, the same entrance which they came in when leaving the shops to their room or to their mess-rooms, etc.; the door in the summer is always open, and any sort of walking could easily be heard or seen; they would have to pass the door to go in from the shops to this room.

Q. How did it come you were stationed there? A. That is where my work was; I made the packing boxes there, made to ship brushes, etc.

Q. About how many of the inmates on an average would you see per day? A. I would see them all there, a great many going to and from the mess-rooms; I would be one of them.

Q. While stationed at that point? A. I don't know if I would see them pass to and from, what they would call made a runner for the shop.

Q. Do you mean to say all the inmates or nearly all the inmates as they were going to and from their employment, would pass through this door? A. Would pass my door; that was the main line; they would come from this way and pass to their respective shops.

Q. Pass in by you? A. By the side of me.

Q. Would they pass into the same building where you were? A. No; outside of my building; pass by.

Q. Would you see the inmates from the three different grades passing you in that way? A. Yes, sir.

Q. See them in the chapel? A. I have seen them in chapel exercises.

Q. And schools? A. Yes, sir.

Q. Trade schools? A. Yes, sir.

Q. And military? A. That wasn't there in my time.

Q. How did you come to testify here? A. I read about this investigation, and I knew a great portion of it from what I could see wasn't true, and last week I was walking past this avenue here, and, I guess it was in front of the Hoffman House, I met Mr. Hoppe; I have never spoken to him before, and I met Dr. Wey, and I thought I would like to ask them to see how

things were to the reformatory; Mr. Hoppe didn't know me, and I told him who I was, and before I left them I finally told him if I could be of any service to the institution to let me know, and I would do all I can for the institution, because I know it done right by me, and if my testimony was of any account I would give it willingly.

Q. You volunteered your statement? A. Yes, sir.

Q. You say your having read in the papers some of the proceedings and, knowing a great portion of the evidence was false, you felt it was your duty to volunteer your evidence? A. Yes, sir.

Q. You never was in the bath-room yourself? A. No, sir; I was punished, but not in the bath-room.

Q. Corporal punishment? A. No; for disobeying this rule in getting tobacco of an officer and giving to inmates, and sending out a letter with this officer; that reduced me from the first to the second grade, and I was confined in a dark cell, I guess, about two days, until they investigated this thing to see if there was anything more in it.

Q. Were you put in chains? A. No, sir.

Q. Where was that dark cell? A. Lower end.

Q. Screen doors to it? A. I don't know.

Q. Tight board door? A. It was a dark cell; you couldn't see your hand in front of your face.

Q. What food were given you while you were there? A. I don't remember that.

Q. Was it a square cell? A. I was taken so by surprise, coming in one evening I was carried down there, and got another suit of clothes on me.

Q. Was it under the domestic building? A. The officers had rooms upstairs.

Q. Were there other cells of the same kind alongside of it? A. I don't remember that; I know I was all alone in there.

Q. No cells adjoining? A. I don't remember.

Q. Were you chained down? A. No, sir.

Q. How does it happen you don't know what kind of a room it was? A. The room was square.

Q. Yet it was pitch dark? A. Yes, sir.

Q. You were there two days? A. Two days.

Q. Any steam pipes running through the cell? A. I think there is, because every once in awhile you would hear this noise you generally hear in a heater.

Q. Did you walk around in this room at all? A. Yes, sir.

Q. Was there a bed in it? A. Yes; I believe there was a mattress in it.

Q. You must have stumbled across those pipes? A. I don't know whether there were pipes in that cell; I imagine there were pipes in there somewhere; I imagine this room was — if you had put a cell in here — it was a big room where the pipes may have been around; there were no pipes in the cell I was in.

Q. You certainly would have found them if they had been there? A. I don't know whether I would or not; if I did I don't remember at present.

Q. Do you remember going there? A. Yes, sir.

Q. Did you go downstairs? A. I don't remember that; I have only been there once; I don't remember; I know officers were upstairs, because I could hear the officers upstairs talking once in a while.

Q. Wasn't it under the guard-room? A. I don't know; it is toward what you may call the carpenter shop; it is under the hospital building.

Q. Did you not see some daylight outside of the door? A. I don't think so.

Q. Do you know where the reception cells are? A. No, sir.

Q. When you were taken down in the evening was there any light there? A. It was done so quick I couldn't tell; I know I was there, but what way I went down; whether there were steps or not I can't tell.

Q. Wasn't it on a dead level? A. I don't remember that; I know I was there in a dark cell two days; I was under the hospital.

By Judge Gilbert:

Q. What time were you taken to the cell? A. In the evening; about 6; when the men were returning to their room.

Q. When were you released from that cell? A. I was there about two days.

Q. Do you know you were there two days? A. I would know what punishment I went under; I know it was two days; I know every twelve hours somebody would come in.

Q. You say you know you were taken to this cell in the evening? A. Yes, sir.

Q. You remained there that night? A. That night.

Q. Did you remain there the next day? A. I don't believe I was there quite two days; I did remain there a portion of the next day.

Q. You didn't remain there two days? A. Not two whole days.

Q. You remained there one night and part of the next day? A. Yes, sir.

Q. You were retained there while the charge against you was being investigated? A. That is it.

Q. You were placed there not for punishment? A. It seemed punishment to me.

Q. You are sure you weren't discharged until some time during the next day? A. I was kept there that night and discharged some time the next day.

Q. That morning did you say the cell was dark? A. Yes, sir.

Q. From the time you went into it until you finally left it? A. Yes, sir.

Q. No light in it sufficient to enable you to see your own hand? A. I don't think so.

Q. In the daytime? A. I can't tell what made that place dark; I know it was dark.

Q. You stated that the reason why you have volunteered this evidence is that you knew that a great portion of the evidence given against Mr. Brockway was false; how do you know that any portion of the evidence relating to what transpired at the reformatory after June 1, 1888, is false? A. I would only state from the time that I know.

Q. How can you state what occurred prior to June 1, 1888, in the bath-room or in the place where corporal punishments were inflicted, that evidence relating to that was false, when you never was in that part of the prison? A. Men being in the first grade have conversation rights; they can converse with each other, and if there had been anything as brutal as it was stated in the paper in the testimony a person would know it, an inmate would know it; one inmate. as a rule, makes friends with another, even in a place like that.

Q. You assume it was false for the reason while you were there you didn't hear these matters talked of? A. I would hear a man was taken in and paddled, but nothing like blood streaking down, or the like of that.

Q. Do you mean to say during the entire time you were in the reformatory you never heard anyone claim they had been severely punished, or hear anyone state that A or B had been severely punished? A. Not in the manner described.

Q. In any manner? A. Not what I would call severely punished.

(Question repeated.) A. No, sir.

Q. You knew at the time you were there that only officers of the reformatory were permitted to be present when inmates were punished? A. I didn't know that, I never was punished; I didn't know what officers are present.

Q. You didn't hear that reported? A. No, sir.

Q. If that was true that only officers were permitted to be present, then it would be only the officers that would know whether punishments were severe or not, aside from the men who were punished? A. That is all.

Q. You never talked with the officers about it? A. No, sir.

Q. The punishments were inflicted upon third-grade men generally? A. They were.

Q. You never were in that grade? A. No, sir.

Q. Did you have a conversation with a gentleman on your way back from the Guttenberg race-course, on a ferry boat, last summer, in which you stated that Brockway was a son of a bitch and ought to be hung, and that you were glad they were after him? A I have never been to the Guttenberg race-track or any other Guttenberg, and I never pass any such remarks.

Q. Your answer to that is you never did make any such statement? A. Yes; my answer is a perfect denial of any such statement or transaction.

Q. You never visited that race-course? A. No, sir; I have enough to attend my business.

Edward Ransom, No. 24, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Have you ever been confined in the Elmira reformatory? A. I have.

Q. From what time to what time? A. From January 1 to December 31, 1893.

Q. You were in the reformatory one year? A. Just one year.

Q. By what court were you sent to the reformatory? A. Judge Benedict, United States Court.

Q. You were sent for a specified length of time? A. Yes, sir.

Q. For what offense? A. Grand larceny.

Q. From what place? A. New York city.

Q. Did you plead guilty? A. I did.

Q. While in the reformatory what grade were you in? A. What is known as the lower first and lower second grade.

Q. What position, if any, did you hold while you were in the reformatory? A. I held two positions while I was there; the first one was as chief clerk, that is, record clerk of all the men in the institution; I held that for six months; then I was made instructor of what they call the experimental class, a teacher.

Q. How many men did you have in that class? A. Thirty-three.

Q. From what grades? A. All grades.

Q. Did you also have charge of the store-room? A. I did, for about three weeks; I was clerk there; I didn't have charge; then I was removed from that position to a position on the floor.

Q. How long were you in the red suit? A. Two months and eighteen days.

Q. State what opportunity you had for observing the inmates from day to day? A. While I was on the floor I was associated with the men on the floor, the clerks there; one of my duties was to record all the men that were chalked in the rooms for any offense whatever, no matter what man was in the room, for it had to be reported to me, and I kept the record in the book; while I was instructor of the class I was among the men all the time, and had opportunities of talking to the men and noting their dispositions.

Q. In keeping the record of the men that were chalked in, you obtained a very general idea of the number of men that were chalked in for the bath-room? A. I did; that was one of my specific duties.

Q. During the time you had the opportunity of seeing the men, did you ever see any of them having bruises upon their faces indicating they had received severe punishment? A. I did not.

Q. Or bruises on the face or head? A. No, sir; I saw none of that.

Q. Did you see the men after they had returned from the bath-room? A. On different occasions I have seen them; I have seen the men after they were marched out to their work; after they had been in the bath-room.

Q. You can't recollect of a single instance where you saw a man that had the appearance of being severely beaten or bruised? A. No, sir: the men I saw were perfectly able to march in line to work.

Q. Did you see any of the men who had been punished in the bath-room, and see them immediately afterwards or within twenty-four hours afterwards in their cells? A. No, sir; I can't say that I did.

Q. Did you ever hear Mr. Brockway use profane language toward any of the inmates? A. I have heard him say "damn it," if you call that profane language.

Q. In what connection would he use that word? A. I only heard him on two occasions say that, once was to myself and another was to a man who had refused to work.

Q. In what connection did he use that to the man who refused to work? A. The man was in his room, and I sent out to find out whether he was in his room, and he sent back he wasn't going to work, and I had to report it, and the man was brought on the guard-room floor, speaking to the superintendent just outside of my desk; the superintendent asked him why he wasn't willing to go to work; he said the task was too hard; there was some other

conversation which I can't recollect at present, and the man was very sullen and dogged about it, and Mr. Brockway says, "Damn it; my boy, this wont do;" exactly the words he used on that occasion; on the other occasion when he spoke it to me, he took me aside after a very flagrant breach of discipline on my part, and talked to me kindly; didn't lose his temper at all to me; he says, putting his hand on my shoulder, "Damn it; my boy, you are too smart a man to do anything of that kind; you ought to have better sense;" that was the only occasion I ever hear him swear at all.

By Mr. Litchfield:

Q. Have you heard other officers say "God damn it?" A. Yes, sir; keepers.

Q. To inmates? A. Said it to me.

By Judge Gilbert:

Q. Who was the officer? A. Mr. Lazenby.

Q. Use that profane language more than once? A. Only once to me.

Q. Hear him use it to others? A. No, sir.

Q. Did you report that to the superintendent? A. No, sir.

Q. What have you to say in reference to the manner in which you were treated by Mr. Brockway? A. Generally I was treated as I deserved; always was treated as I deserved, and with the exception of about eighteen days in July I was well treated.

Q. What was there about those eighteen days? A. I was in solitary confinement.

Q. In a three-corner cell? A. I never saw a three-corner cell in the institution; I was discharged last Monday.

Q. You say you never saw a three-corner cell? A. No; what they call the reception-room.

Q. That is a square cell? A. Oblong cell.

Q. Was it dark in that? A. Not in that one; I was in a dark cell afterward; what they call the rest-cure on the first gallery, 672.

Q. Not far from the entrance to the bath-room? A. No; next to the last cell.

Q. How was that made dark? A. By a screen door.

Q. That is a board door? A. No; the board door was open.

Q. It wasn't actually dark? A. It was so dark you couldn't see to read.

Q. How many days were you in seclusion in that cell? A. Altogether, eighteen days.

Q. The record only gives you nine days? A. I was there eighteen days altogether in both.

Q. Did you write any letter to the committee? A. I did.

Q. Why were you put in the solitary? A. Attempting to escape.

Q. You signed your own name and number? A. I had no number; I was designated as a definite.

Q. You signed your own name? A. Yes; I signed my own name; not a fictitious name.

Q. How long were you in these cells separately? A. I think about eight days in one and in the other, if I remember rightly.

Q. What class did you enter? A. "A" class; then I was made an instructor.

Q. Are you a college graduate? A. I am.

Q. What college? A. Yale college.

Q. When did you graduate? A. Eighteen hundred and eighty-five.

Q. What employment were you engaged in when you committed the offense for which you were sent to the reformatory? A. In the railway mail service.

Q. In what capacity? A. Clerk.

Q. While holding that position it was claimed you committed larceny? A. Yes, sir.

Q. To that you plead guilty? A. I plead guilty.

Q. How did you come to be subpoenaed or required to attend? A. Mr. Hoppe spoke to me and asked me to testify before the committee.

Q. Anything said to you about that before you left the reformatory? A. No, sir.

Q. Was the subject mentioned to you in any way that you might be called upon to give evidence before the committee? A. Before I left the reformatory?

Q. Yes, sir? A. No, sir.

Q. What have you to say with reference to the treatment which the inmates generally receive from Mr. Brockway, from what you saw and know? A. I think a man is treated as he deserves, as far as I have seen.

Q. You think whatever treatment they receive is such as they deserve? A. Yes, sir.

By Dr. Smith:

Q. Were you in a position to see men brought from the bath-room? A. Occasionally I saw them.

Q. How many times? A. Four or five.

Q. Did you ever see any come out that were carried out? A. No, sir.

Q. See them come out supported on each side by officers? A. No, sir.

Q. Ever see them with blood on their faces? A. No, sir; most of these men; the store-room is across the from the bath-room, and the door from the store-room opens out on the main corridor, the smaller door, and as that door would be open I would see the men come out.

Q. Did you ever hear them scream in there? A. I have heard them holler.

By Mr. Litchfield:

Q. Could you hear the blows? A. No, sir; I would hear the men holler.

Q. After that you saw none of them brought out? A. I never saw a man carried out.

Q. Ever see one walk out as though he was weak or a little faint? A. No; they got out as though they were glad to get out, hustled out.

Q. Smiling or crying? A. Generally they were weeping.

Q. Did you see any of them smiling or laughing? A. No; I can't say that.

Q. They all looked as if they had not enjoyed themselves in there? A. They didn't appear to enjoy it.

Q. Do you think you have been long enough in the reformatory to have any opinion as to the inmate monitor system? A. I do, having been a monitor myself.

Q. Do you approve of the system? A. I do not the way it is run at present.

Q. Will you state your views on the subject? A. I don't think it is a good system; that one man who is sent there for crime should be over other men, for this reason; that man may have a petty grudge against some other man; may think the other man has informed on him and may work his spite out against him; I don't say they do that.

Q. Do you know an instance where they have done it? A. I do not, but I know of men who say it has been done; as a man there working on hisparole, he is going to do everything in his power to do it, and he will report any little slip he sees on an inmate's part; I don't think it is right to put such great power in another inmate's hands; while I was instructor I was also monitor, and it was our duty to report the men for misdemeanors and so on, and I was afraid of the power I had in my hands at that time; I had to report men occasionally for misdemeanors; I was very careful I never reported a man unless

I was thoroughly convinced of his guilt; sometimes I let men that I was almost sure ought to be reported, but for fear of the consequences I would not report them; a yellow or chocolate report to a man might mean a great deal.

Q. It is they are too lenient? A. I think it is the other way; I think they are too severe for a monitor, if he fails in his duty, if he sees a man talking and does not report him, and a citizen officer also sees that man talking, a monitor also gets a chocolate report at least, and consequently he is going to be pretty alert.

By Dr. Smith:

Q. You were instructor in the schools? A. Yes, sir.

Q. Was there any difficulty about the inmates getting their task, their lessons? A. In my class I never had much difficulty; I had a class of over ninety men; not more than ten or twelve would fail.

Q. A great difference in their ability to learn? A. Yes, sir.

Q. You graded them all on the same scale? A. The grading was not mine; I was assigned a certain part to teach, certain heads; I had what is known as P one, the highest primary class.

Q. You found a difference among them? A. I found a marked difference.

Q. Suppose one couldn't learn his lessons; what was the result? A. I am hardly competent to answer that question, because I didn't find a man in my class who wasn't able to learn if he wanted to; even among the men in the experimental class men who were mentally deficient, those men learned long division; I taught them long division.

Q. Didn't you have some from New York that couldn't learn long division? A. Not in my class; there were men said they couldn't learn it, but they did learn it.

Q. Supposing one couldn't learn, what would you do with him? A. Put him in a lower class.

Q. Would he be punished for it? A. I never knew a man to be punished for failure in school.

Q. Did anyone become insane while you were there, that you know? A. Three men I can recall were sent to the insane asylum.

Q. Did you know them in school? A. No, sir; they were not in my classes.

Q. You dont know the occasion of their becoming insane? A. One was epilepsy; the other two I know the cause assigned for their insanity, and I believe it is true.

Q. You don't know they were punished because they couldn't learn their lessons and became insane from that? A. No, sir.

By Mr. Litchfield:

Q. If a man couldn't learn his lesson would his mind be improved by judicious paddling? A. If he was absolutely stupid and couldn't learn his lesson I don't think it would do any good.

Q. Are you in favor of corporal punishment? A. I am in such an institution as that.

Q. What percentage of men in such an institution would require corporal punishment in order to be benefited? A. Fully fifty per cent.

Q. You think as large a number as fifty per cent? A. Yes, sir.

Q. Any difference whether they came from the country or city? A. I don't know as paddling has any difference between a native of the city or native of the country.

Q. Do you find the men from the city were any wickeder than men from the country? A. The men that came from the city were tougher, as a rule.

Q. More hardened? A. Yes, sir.

By Dr. Smith:

Q. Do you know of an instance where a man was benefited by being punished? A. I do of one or two, straightened them out considerable.

Q. In what respect? A. Made them behave themselves, men that were unruly, couldn't control them, and they were reported and punished, and after that had no trouble.

Q. Did it have a deterrent effect or reformatory effect? A. I have in mind a man now in the experimental class, got very obstreperous; I reported him to Mr. Bertholdi; he was remonstrated with, and after that I had no trouble with him for the rest of the time I had that class; he made the blue suit; he was chalked in for four or five days.

Q. He wasn't punished? A. No; that man actually reformed.

Q. Was that man paddled? A. No; that man wasn't; he was chalked in; I have another man in mind that was actually paddled; he tried physical conclusions with myself in the class, and he was paddled for that.

Q. He was a mutineer? A. Yes, sir.

Q. Take a man who was not a mutineer. A. I do not recollect any such instance as that.

By Dr. Smith:

Q How was this mutineer benefited? A. He never tried it again; he settled down and did his work.

Q. Do you think that was a moral reform or physical reform? A. The result was the same; he reformed.

By Mr. Litchfield:

Q. You must have had a good education? A. I am a college graduate; I graduated six in my class.

Q. You had a large experience among young men before you went to the reformatory? A. Yes, sir.

By Dr. Smith:

Q. What kind of reforms would you suggest? A. I am no penologist.

Q. You have had some practical experience? A. In my opinion the Elmira reformatory is about the best of the kind I have heard of; most of the crimes for which men were sent there were more weakness of character and force of circumstances, when they couldn't control themselves under sudden temptation, men who had either drunk to excess or had been running around among fast women; men who were unable to control their passions, and the system of rules they have will so accustom a man to control himself to those rules, for he will obey the rules there; when he comes out he will be in a better condition to obey the laws, so if the discipline as laid down by Mr. Brockway is observed, the man is trained morally so he can resist more; at least, that is my opinion.

Q. Did you have anything to do with the gymnasium? A. No; except the class that I taught; the thirty-three men in the morning they were in the gymnasium, and the classes were taught in the loft.

Q. Did you see any evidence of physical development through being in the gymnasium? A. Yes sir; marked improvement; these men I had in the class; their carriages were more erect; their eyes were brighter; their color was better; on the whole, they appeared to be better men than they were before they went in the class; I have in mind now one poor, little man — the experimental class was divided into three sections; the first second and third; the third section was men who couldn't read or write; the second section were men who were a little more advanced, and the third section were men who were actually studying language and as far as long division; this poor, little man I have in mind, when I first saw him was like this, a short, thick set fellow, and had a gait on him between a coyote and waddle of a poodle dog; after he had been in the gym. for six months he walked almost as well as I can, and carried himself upright and naturally learned to write, and figure and copy.

Q. Wasn't he in the regiment? A. No; the experimental class were all mustered out of the military, but on military days, military afternoons, when the whole institution is turned out for military drill, this class was marched out under command of the instructors, and given guns, but they stood around and didn't do anything.

Q. Didn't they go through the duties of the awkward squad? A. I can't say about that, because they all came before my time.

Q. You were not in the regiment yourself? A. I was not at that time; I was mustered out of military.

Q. Do you belong to any religious denomination? A. No, sir.

Q. No religious convictions? A. No, sir; I don't want you to understand by that I am an atheist or infidel.

Q. Have you any objection to giving the name of that little man? A. It was No. 5509; I don't remember his name.

Q. Do you not consider the military training is beneficial to the boys? A. It is.

Q. Doesn't that train them to be erect? A. It is for those who are in the military; these men are not in the military.

Q. They are men who had their turn in the military? A. No, sir; men excused from military; for any reason at all when a man is not in military he is mustered out; I was mustered out of military while I was clerk on the floor.

By Mr. Litchfield:

Q. Do you think if religious services were regularly held in the reformatory and these young men were sent there whether they were religious men or not whether there would be a benefit from the music and hymns? A. Hardly from the remarks I have heard them make; they have religious services; Catholic service every Sunday, and Protestant service every other Sunday.

Q. Do they inculcate habits of respect and reverence? A. From the way I have seen them talking when officers were not looking, I don't think so.

Q. Did you ever see women visitors there? A. Lots of them.

Q. What privileges did they have? A. I saw them when they would come there; I saw them when they would come through the cage and walk down through the institution and while I was instructing this class they would come and stand on the left.

Q. Were they regular visitors? A. Visitors with an officer.

Q. Are they allowed to converse with the men? A. No, sir; allowed to speak to nobody in the institution.

Q. What do you think would be the effect if they were allowed to converse? A. I think it would be demoralizing to the men to a greater or less extent.

Q. You wouldn't have their sisters or mothers visit them? A. Their sisters and mothers are allowed to visit them at stated intervals.

Q. Does that have a demoralizing effect? A. It does not; the dictates of nature would keep it from demoralizing them.

Q. That they are women or that they are mother and sister? A. Mother and sister; the natural love.

Q. Wouldn't respect them because they are women? A. Not because they are women, but because they are their mother and sister; there are lots of men I have seen and talked to have no respect for women.

Q. Not even for their mother and sisters? A. The way they talk about other people's mothers and sisters, I don't think they could have much respect for their own.

Q. You think it would be demoralizing? A. I think it would be to men of that stamp to have a respectable woman come and talk to them.

Q. The mother and sister of an inmate visiting there had a bad influence on another inmate? A. I wouldn't say that; I don't know what remarks they would make to them; the way they do now they have them on the floor and very few of the inmates see visitors and those inmates that do are of the better class.

Q. That has a bad influence on those who do not? A. I should think not because these men are the better class of men, more intelligent men who by their education and natural force of circumstances you would think such men had around them would have more respect for women.

Q. You think the blue grade could have such visitation with propriety? A. Not promiscuous visitation; I should think not; I think it perfectly proper and right relatives should visit them.

By Mr. Litchfield:

Q. What do you think about the over-crowding of the reformatory; has that any effect on the question of licentiousness? A. Men were transferred the same month I got to the reformatory.

Q. Do you consider the institution overcrowded with two or three men in a room? A. I do not; I think that is a privilege; they don't sleep in the same beds; the beds are one above the other.

By Judge Gilbert:

Q. In connection with the evidence which you have given, as an expert, can you give any good reason why corporal punishment should be inflicted upon that class of inmates that are confined in the Elmira reformatory and not inflicted

upon the inmates that are confined in the State prisons in the State? A. That is a hard question; the best reason in my humble judgment would be that most of the men sentenced to the Elmira reformatory are young boys; I was one of the oldest men in the institution at the time, and they are of such an age that physical punishment wouldn't have the degrading effect upon them that it would have upon an older man; when a man gets 25 or 30 years old he feels the indignity of a blow more than a boy would; I remember when I was a small boy I never thought it was degrading to be whipped in school, and these boys must be whipped in the same way; they require it more as a corrective and not as a debasement.

Q. At the age of from 18 to 25, from your experience and mingling with young men, and observing both in college and in the reformatory, what would you say the effect would have upon man's disposition and spirit to be stripped naked, in the presence of others, and punished by being spanked or paddled; do you think it would improve his disposition? A. There are two branches of your question so far apart it is pretty hard to draw a comparison between them; take a college man between 18 and 25 and strip him naked and flog him it would be a terrible disgrace to him, because a man of his education and his surroundings is more sensible to such things, he feels the indignity much more keenly than would a man who had been raised among the lower classes of people and by neglect of education and by surroundings, and so on, his sensibilities become blunted and dull, and such a man does not feel the indignity of being stripped before another.

Q. Take a young man, whether he is a college young man or not, that has a high spirit, and the real spirit of manhood about him, he would resent any such punishment or treatment as that referred to? A. If he is a spirited man and would resent such a punishment he is not going to place himself in such a position as to deserve such punishment.

Q. He is judged to be properly in the position to receive such punishment and he receives it; my question is what, in your opinion, would be the effect upon the spirit and the disposition of that young man; do you think it would improve him? A. I should think it would.

Q. You are a graduate of a college? A. Yes, sir.

Q. You have been an inmate of the reformatory? A. Yes, sir.

Q. Now, what effect do you think it would have had upon you to strip you and punish you in the manner in which these punishments are inflicted; do you think it would make a better man of you, make your disposition better? A. I can't say that; I don't think it would; not in my case.

Q. There are a great many young men in the reformatory that are college graduates, are there not? A. I only know of two or three.

Q. You know of a good many spirited young men, do you not? A. I can't say that I do.

Q. You know of some? A. Yes, sir; I know of some.

Q. So you can say this with a good deal of emphasis that the physical treatment that might do for one inmate wouldn't do for another? A. I can say that.

Q. And that wherever corporal punishment is allowed in an institution, the right to inflict should be observed with great care? A. It should.

Q. Do you think it should be left to any single individual to determine in what case it is proper, and to what extent it should be administered? A. I think it should, if he is held responsible for his acts.

Q. You think it should be left to a single individual to determine when the person is a proper subject, and the extent of the punishment he should receive? A. I think all the executive powers should be in one head.

Q. And that he should be alone accountable for any abuse of that power or right? A. Certainly, if he has the power he should be held responsible.

Q. What would you say where the power was exercised in such a way, if it is true, to strike blows over the convict's head not to punish the convict for any offense he is guilty of, but because he has failed to look in a particular direction? A. Suppose the refusing to look in a particular direction is an offense.

Q. Suppose he turns and looks the other way for the purpose of pleading for mercy? A. Your question applies to while a man is being punished he turns his head?

Q. Yes. A. I should not call that right.

Q. You would think that was carrying the right to administer corporal punishment too far? A. If the man turns to plead for mercy I should not think he should be hit in the face.

By Mr. Litchfield:

Q. If you are in favor of corporal punishment you would restrict your opinion; you think it should be applied in one place and not necessarily all over the human frame; you wouldn't think blows over the head is a proper method? A. No, sir.

Q. Nor to box a small boy on the ear violently? A. No.

Q. Your approval of corporal punishment is limited to corporal punishment properly applied? A. Yes.

Q. Not in the way of blows given over the head or on the ribs or elsewhere? A. I should not consider that proper punishment.

By Judge Gilbert:

Q. About the 12th of July, 1893, you made an attempt to escape?. A. Along about that time; I thought it was earlier than that.

Q. Up to that time I take it you didn't consider that your confinement was having a reformatory effect upon you, and you desired to avoid further treatment of that kind? A. I didn't give it a thought when I had a chance to go; I was offered the chance to go and agreed to go; I wanted to get out.

Q. You were detected? A. I was told on; somebody told on me.

Q. Did you actually get out of the prison? A. No, sir.

Q. A plan was made and it was detected? A. Yes, sir.

Q. After that you concluded the better way was to remain the entire length of time for which you were sentenced and obey the rules? A. I did.

John Lawson, No. 25, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Have you been confined in the Elmira reformatory? A. I have.

Q. When were you sent there? A. Fourteenth day of March. 1891.

Q. For what offense? A. I don't know that that is necessary. is it?

Q. You prefer not to state? A. I prefer not to state.

Q. Where were you sent from? A. New York city.

Q. The maximum length of time for which you might have sentenced, I take it from the record, was twenty years? A. Yes. sir.

Q. When were you paroled? A. Second day of February, 1893.

Q. Had you a trade before you went to the reformatory? A Yes, sir.

Q. What was it? A. I was a hotel man chef when I went to the reformatory.

Q. Did you learn a trade while you were in the reformatory? A. Yes, sir.

Q. What trade did you learn? A. Moulding.

Q. What business are you following now? A. I prefer to keep that secret.

Q. You have stated that to the committee? A. Yes, sir.

Q. Are you following the same trade you learned in th reformatory? A. No, sir.

Q. What have you to say with reference to the treatment you received from Mr. Brockway while you were there? A. I think it was fair.

Q. You haven't any complaint to make? A. No, sir; I have not.

Q. What have you to say in reference to the manner in which he treated the other inmates? A. I think it was human and fair as far as I know.

Q. Were you ever punished? A. No, sir; only reduction.

Q. Never was present when others were punished? A. No, sir.

Q. Never was in there just after they were punished? A. I saw some that claimed they were punished, but I didn't see they were punished.

Q. Did you ever hear Mr. Brockway use profane language toward any of the inmates? A. No, sir.

Q. Or any of the officers? A. No, sir.

Q. I am requested to ask you if you ever saw any bruises upon the inmates, indicating they had been severely punished? A. No, sir.

Q. What opportunity did you have to see the inmates from day to day? A. I had an opportunity to see them; I suppose I saw nine-tenths of them every day, three times a day.

Q. What was your employment while there? A. For a while I was keeper of the kitchen.

Q. Wait upon the tables? A. I didn't wait; I oversaw the waiting and saw it was properly done.

By Mr. Litchfield:

Q. Did you write any letter to the committee last fall? A. No, sir; I did not.

By Judge Gilbert:

Q. Do you recollect an inmate by the name of Johnson, a colored man? A. Yes; I believe I do.

Q. Recollect upon one occasion he went into the kitchen where you were, having upon his face a bruise or black eye? A. No.

Q. An abrasion over his eye? A. No, sir.

Q. Never saw anything of that kind? A. No, sir.

Q. Do you know that he was taken to the bath-room and punished? A. I do not; if this is the Johnson I mean he was a man I worked with; I don't remember of a Johnson that came into the kitchen at all.

Q. You don't know of any such colored man ? A. I know of a colored man named Johnson; I worked in the foundry with him, but I never saw him punished, and never saw he was cut.

Q. While in the reformatory were you charged with larceny ? A. I was.

Q. That charge was permitted to stand against you; did you plead guilty ? A. Yes, sir.

James Newman, No. 26, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Were you confined in the Elmira reformatory at one time ? A. Yes, sir.

Q. When were you sent there ? A. November last; in 1892.

Q. For what offense ? A. Forgery, third degree.

Q. From what place ? A. From New York city.

Q. What was your age when you were sent there ? A. Twenty-nine years.

Q. When were you paroled ? A. First of November, 1893.

Q. You are still out on parole ? A. Yes, sir.

Q. While in the reformatory what was your record as you understand it ? A. I think it was good.

Q. Did you volunteer to make a statement before the committee ? A. Yes, sir.

Q. And notify Mr. Hoppe of your willingness to testify to that three days ago ? A. Yes, sir.

Q. Does the fact you are on parole affect your evidence ? A. No, sir.

Q. Have anything to do with your desire to appear before the committee ? A. No, sir.

Q. While you were in the reformatory did you have at one time a black eye? A. I had it.

Q. How did you receive it? A. I was an officer in the military and I was ordered to bring a man up to the colonel, and when I told him so he attacked me and hit me and tried to hit me.

Q. And blackened your eye? A. Yes, sir.

Q. You never were in the bath-room? A. No.

Q. During the time you were confined in the reformatory did you see bruises upon the faces of the inmates indicating they had been severely punished? A. I didn't see no bruises on the faces; I saw men with broken hand and arm in sling.

Q. Do you know how the first man's arm was injured? A. Got it in the same way that I got my black eye.

Q. How was the man's hand injured? A. He was hit with a cane.

Q. While in the military? A. Yes, sir.

Q. When was it you received the black eye? A. About the end of October last.

Q. After the investigation commenced? A. Yes.

Q. Did all these occurrences take place after that time? A. The last was in November.

Q. You say you never upon any one occasion saw an inmate with a black eye? A. Never.

Q. Either before or after? A. No, sir.

Q. Or bruises upon the inmates faces indicating they had been severely punished? A. I don't know; I don't understand it.

Q. You never at any time while you were in the reformatory saw bruises upon the faces of the inmates indicating they had been severely punished? A. I never saw one.

Q. How were you treated while you were there by Mr. Brockway? A. Very well.

Q. What do you say as to how others were treated by him so far as you saw or observed? A. I thought he treated them all all right.

Q. What opportunity did you have for observation? A. I was there one year, and I was in the military, and was in charge of one company every day with a hundred or two hundred men.

Q. How many inmates would you see on an average per day? A. About 200.

Q. What employment were you engaged in while you were in the reformatory? A. Clerk in the office.

Q. On the guard-room floor? A. The business office.

Q. The office in the yard? A. Yes, sir.

Q. You saw all of those every day when they were parading that were on parade? A. Yes, sir.

Q. And had the opportunity to observe the condition or appearance of the men? A. Yes, sir.

Q. You say you never during the entire time you were in the reformatory saw inmates that had bruises upon their faces indicating they had been severly punished? A. No, sir.

Q. Nearly all the inmates are required to perform military duty? A. Nearly all.

Q. And are on parade on these occasions you refer to? A. Yes, sir.

Q. You never were in the bath-room yourself? A. No, sir.

Q. Never was punished there? A. No, sir.

Q. Know nothing about the punishments others received there? A. I know one fellow went down twice.

Q State anything you saw indicating he had been punished? A. I didn't see anything.

Q. What, if anything, did you see in the appearance of the man after he came out indicating he had been punished? A. Nothing.

Q. Who was it that struck you? A. Young fellow in the red suit in my company.

Q. Can you give his name or number? A. Yes; his name; Maloney.

Q. What was his consecutive number? A. I don't know the number.

Q. The name of the men, one of whom you say had his arm injured, and the other had his hand injured; give their names? A. One was Seligman and the other is Cortright; he is up there yet; I can't give their numbers.

Q. Were you in the red grade at the time? A. No, sir.

Q. Was that Captain Seligman? A. Yes, sir.

Q. Why didn't you offer to give this evidence while you were at the reformatory? A. I had no chance to give evidence.

Q. Did you write to Mr. Craig? A. Yes, sir.

Q. Sign your real name to it? A. Yes; and number.

Q. What was your consecutive number? A. Five thousand five hundred and eighty-three.

Q. Did you ask for a hearing with Mr. Craig? A. No, sir; I wrote I was treated all right.

Q. Did you plead guilty to the offense you were charged with before you went there? A. Yes, sir.

Henry Niles, No. 27, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Have you ever been confined in the Elmira reformatory? A. Yes, sir.

Q. For what offense? A. Grand larceny, second degree.

Q. Where were you sent from? A. New York city.

Q. What was your age when you were sent? A. I can't tell exactly; I was about 19, I think.

Q. Eighteen the record shows; did you plead guilty? A. Pleaded not guilty to the indictment, because Colonel Fellows told me so, and when I came up to trial they offered me a plea of petit larceny.

Q. First you were instructed to plead not guilty? A. Yes, sir.

Q. Afterwards you withdrew your plea and plead guilty to petit larceny? A. They offered me the plea, but I couldn't take it, and they gave me a plea of grand larceny in the second degree.

Q. When were you discharged or paroled? A. I don't remember exactly what time it was.

Q. You were sent to the reformatory 20th of January, 1890? A. Yes, sir.

Q. By the record you were paroled August 12, 1891; is that correct? A. That is about right.

Q. Absolutely released June 18, 1892? A. Yes, sir.

Q. What was your record while you were in the reformatory? A. It wasn't a bad record, although it varied; I was six months in the lower first grade, then promoted to the upper first grade, in which I remained until I was paroled.

Q. What position, if any, did you hold in the reformatory? A. I held a position the whole time I was there mostly; when I entered the institution I was put in the brass finishing class, and I had charge of that man Gilmore, that caused this investigation, and taught him the trade he knows, and I taught the military awkward squad; then I was made school secretary on the guard-room floor.

Q. Had you any trade before you went to the reformatory? A. Not a thorough trade; I was an electrician by trade.

Q. Did you learn any trade while in the reformatory? A. No, sir; I taught the electrical business and brass finishing.

Q. What official position did you hold in the regiment? A. I held everything up until adjutant, was the highest.

Q. What have you to say in reference to the manner in which you were treated by Mr. Brockway while you were in the reformatory? A. I was treated all right; I was treated entirely different from a great many because I behaved myself.

Q. What have you to say with reference to the treatment the other inmates receive? A. No inmate in the institution received any harsh treatment or punishment in any way unless they deserved it; nobody was punished in such a way that it would hurt them in any way; I have both taken them down to be punished and brought them up after they were punished, my duties being a patrol officer all over the institution and report what I saw, and I would bring men in take them again.

Q. You say that none of the inmates were punished in any other manner than they deserved; were you present while punishments were inflicted? A. Not in every sense.

Q. Did you see any one of the inmates when he was punished? A. Not in that way.

Q. All you know about it is you took them to the bath-room? A. That wasn't the only punishment in the institution.

Q. You took them away from the bath-room? A. Yes; took them away and brought them there.

Q. Do you say you never saw any of those inmates that you took to the bath-room and took away that had bruises upon them, indi-

cating they had been severely punished? A. I never saw anybody severely punished; nobody that had a black eye or cut face; I saw men coming out of there crying and feeling hurt in other ways, and men rubbing their backs, but I never saw anybody hurt.

Q. While they were being punished did you hear them holler or cry? A. I never heard any noise at all.

Q. About how many in all do you think you took to the bath-room for the purpose of being punished or reformed during the time you were there? A. I couldn't tell; not so very many.

Q. How many do you think in all? A. I was in the office quite a long while, and one day I may take one or two down and other days a few others.

Q. Were you the only officer who took the people down to the bath-room? A. No; the men chalked in their rooms were taken down by hall-keepers; I brought them in from the shop; very grave offenses, such as getting wrunk in the shop or throwing an ax or block of irons at keepers.

Q. How could they get drunk out there? A. They used to steal, we had alcohol out there, rob the institution and drink it, and then they would think they ought not to be punished; one fellow they had to take him down and pump it out of him.

Q. Did you ever hear Mr. Brockway use profane language to any of the inmates? A. No, sir.

Q. Or any of the officers use profane language? A. I don't know whether Mr. Brockway is responsible for what they do; of course the officers, almost every man, swears, unless he is a church member, and I guess he swears all the worse.

Q. Did you ever hear the officers use profane language to the inmates? A. No; I never did.

Q. What did you mean by saying most every man? A. I have heard officers swear, but I have never heard them swear toward an inmate; I have been among the officers outside and up in the quarters.

Q. What do you mean when you say you have heard them use profane language? A. In their rooms, in their quarters, playing games and one thing and another, they would use an oath.

Q. What games would they play in their rooms? A. Used to play cards, dominoes, checkers, pool, billiards.

Q. While in the performance of your parole duties you say you never heard them use profane language toward an inmate? A. I never did.

Q. Do you favor the inmate monitor system? A. I was one of the inmate monitors, and then, being a parole officer up there, I do favor it; the citizen officers employed in the institution are men — that a good deal of this is accounted for their having a

grudge against a man they could cause him to be punished, and it is not the fault of the management of the institution; it is the fault of those men; if the superintendent has found out a man like that he has been discharged.

Q. Have you known an instance where an inmate monitor has had a prejudice? A. Not an inmate monitor; I have known a citizen monitor.

Q. Where did they have a prejudice? A. Yes; I know one had a prejudice against me and went to the superintendent; he told him he saw me down in Pat Crawford's saloon with my uniform on drinking one day and I proved it to be an absolute lie

Q. Had he threatened you? A. He never threatened me; he went up and reported it; he never liked me, because a citizen officer can go home at night if they can get anybody to do their duty; I refused to do duty for him two or three times, and I suppose he thought he would get square with me in that way.

Q. After you received your parole, did you then act as a paroled officer? A. Yes, sir.

Q. For how long a time? A. Six or eight months.

Q. It is during that time that it was part of your duty to take the inmates to the bath-room and from the bath-room? A. Yes, sir; some of them brought in from the shop for previous offenses.

Q. You didn't perform that duty while you were an inmate yourself? A. No, sir.

Q. Were you ever arrested before you were arrested for the offense for which you were sent to the reformatory? A. No, sir

Q. Or imprisoned before? A. I never was in prison before; I was arrested once for raising the dickens in the street when I was a little boy and discharged the next morning, when I was fifteen years old.

Q. Weren't you arrested once for larceny? A. No, sir.

Q. Didn't you so state to Mr. Brockway when you were examined on entering the reformatory? A. No, sir; I wasn't arrested this time for larceny; never was arrested for larceny.

Q. Weren't you arrested for stealing and let go? A. No; there were some goods — I was brought up about that; I wasn't arrested this time either.

Q. Did you go to the reformatory voluntarily? A. I sent myself there.

Q. What for, to be reformed? A. No; I didn't know I was going to the reformatory; the man I committed the crime against when I did it I didn't know I was doing it; when I found out what I had done I was afraid to go back and see him and I went home and told my folks abut it and they didn't want

to have anything to do with me; so I went down and told him what I had done and that I was unable to pay it back; I went right to the station house.

Q. Didn't they lock you up? A. They didn't lock me up; they kept me there.

Q. How long a time did they keep you there? A. All night in a large room.

Q. Were you indicted? A. Before a sergeant; he asked me a few questions, and he sent for this man and the next morning I was taken before a police magistrate and I was held and sent to the Tombs.

Q. How long did you remain in the Tombs? A. Two or three weeks.

Q. You plead as you have stated; what were you arrested for the first time? A. We were in an apartment-house making some calls around New Years, and coming down somebody stole an overcoat; the overcoat that was stolen — I had a better overcoat, never wore such an overcoat; there were a lot of us brought in about it and swore we took it; we went down to the station-house and says, "This fellow says I took his overcoat;" the fellow says, "All right, I will lock you up," and they took me down to court the next morning and asked me if I wanted a lawyer, and I told him no, I would plead my own case; I told the judges the facts of the case how we had gone upstairs and coming down this fellow had charged me with stealing the overcoat and he says, "All right, go home."

Q. I understand you to say you are willing to tell what your occupation is? A. I am not working for the last four or five weeks.

Q. What is your means of support? A. Myself.

Q. How do you support yourself? A. I have to run in debt for a while; I suppose.

Q. Support yourself by running in debt? A. I live by running in debt until I pay it.

Q. What, if anything, have you worked at since you came out of the reformatory? A. I was receiving and shipping clerk in Cotche's millinery, in Brooklyn.

Q. How long did you remain there? A. Quite a little while; up until the holidays.

Q. Were you discharged? A. Yes, sir.

Q. Can you state any particular reason why you were discharged? A. Yes; they wanted me to do some things there that weren't things I wanted to do, and I told them so; I had complained about it; I was receiving clerk, shipping clerk and time-keeper.

Q. You refused to perform certain labor?A. They wanted me to do some dirty sweeping out of the store at night, and I had some words with them.

By Dr. Smith:

Q. You used to take the inmates down to the bath-room? A. Yes, sir.

Q. And then came away with them; did you use to hear them scream? A. No, sir.

Q. Didn't you remain outside ? A. Yes.

Q. When they came out were any of them carried out? A. I never saw a man carried out in my life; I don't believe there ever was one.

Q. Ever see one come out with two officers holding each arm? A. No, sir; never heard of one.

Q. Did they ever appear faint as though they were going to faint away? A. No, sir.

Q. Any blood on them? A. No, sir.

Q. Any signs of bruises about their face? A. No, sir; I saw men with black eye they got from fighting.

Q. Never saw it when you brought them away? A. No.

Q. Did you take as many as twenty down there? A. I couldn't say how many.

Q. Would that be anything like the number? A. I wouldn't say anything about the number.

Q. You may have taken fifty? A. I may have.

By Mr. Litchfield:

Q. Where did you stand? A. Out in the hall; in the main hall.

By Dr. Smith:

Q. You don't know they were punished at all? A. No; just now there is a man outside I brought down myself, and he says he wasn't punished; I thought he was punished.

By Mr. Litchfield:

Q. You were not near enough to hear anything that was going on? A. No.

Q. If a man hollered in there you could hear him? A. Yes, sir; right underneath the officers' quarters; hear almost anything that is loud enough; hear a person walking.

Q. In the bath-room? A. I could hear them walking upstairs.

Q. If you were upstairs you couldn't hear a man in the bath-room walking? A. I don't know whether I could or not.

By Judge Gilbert:

Q. While the inmate was being punished did you stand outside the bath-room door? A. I walked around; I have stood around.

Q. At one time it was part of your duty to take the inmate to the bath-room to be punished? A. Yes.

Q. Then you would take him back to his cell or place where he belonged? A. Yes, sir.

Q. While the inmate was being punished did you remain at the door? A. I walked around; I didn't stand up against the door; maybe talked to somebody.

Q. You never, upon any occasion, heard the inmate, while he was being punished, holler or cry out as if he was in pain? A. I never did.

Q. When they came out did you see whether they were crying or laughing? A. I won't say; I never saw a man come out laughing, but I have seen them come out crying, and I have seen them come out with vicious looks on their faces, as if they would like to kill somebody behind them.

Q. As if they hadn't been reformed by the punishment they had received? A. I don't suppose their feelings were very good; some were crying.

By Dr. Smith:

Q. Did you ever take them to the hospital? A. No, sir; no man can go to the hospital without an order from the doctor.

Q. Where did you take them from the bath-room? A. Some men were taken back to the shops, and some men were taken back to their rooms; I used to take the men back to the shop.

By Mr. Litchfield:

Q Did you ever see the doctor go in the bath-room while the men were there? A. I never saw the doctor in the institution at that time of day.

Q. When you were walking around you were walking around some little distance off from the bath-room door? A. I was about the width of this; I would walk up and down; maybe I would walk over to that corner and talk to somebody.

Q. How near to the door itself would you stand? A. I don't doubt but what I could hear any loud noise; I couldn't hear any conversation.

Q. Are you living at home with your parents? A. My mother lives with my married sister and my father is dead, and I live there when I like; I live where I board if I like; where I board

I have to owe them my board until I can pay it; they are willing I should owe them for a certain length of time.

Q. You are not living with your married sister now? A. No; I do live there sometimes.

Q. Are you trying to get employment? A. Yes, sir; trying to get employment ever since I got out; I was taken sick with the "grippe" for a little while.

Q. Did you say what kind of employment you were trying to get? A. I would take almost anything that was anywheres decent money; they offer from fifty to seventy-five cents a day now; the address of my married sister is 298 Chauncey street.

George Peterson, No. 28, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Were you once confined in the Elmira reformatory? A. Yes, sir.

Q. What for? A. Robbery.

Q. Where were you sent from? A. New York.

Q. Could you read or write when you were sent to the reformatory? A. No, sir.

Q. What was your age at the time you were sent? A. Twenty-one, I think.

Q. When were you sent there? A. In April 21, 1890.

Q. When were you released? A. First of September, 1893.

Q. So you are still on parole? A. Yes, sir.

Q. While you were in the reformatory were you punished, paddled? A. Yes, sir.

Q. Do you know how many times? A. No, sir.

Q. Can you give us any idea how many times? A. About two or three times.

Q. While you were there, did you attend the school? A. Yes, sir.

Q. Did you learn to read and write? A. Yes, sir.

Q. Did you learn any trade while you were there? A. Yes, sir; hard-wood finishing.

Q. What trade do you follow now? A. Laboring.

Q. Day laborer? A. Yes, sir.

Q. Laboring with what? A. With pick and shovel.

Q. What do you say with reference to the manner in which you were treated while you were in the reformatory? A. I was treated good while I was there.

Q. I see the record shows that January 16, 1891, you were paddled B. times; how many blows did you receive at that time? A. I don't really know how many.

Q. Can you tell how many blows you received the first time you were paddled? A. Two.

Q. When were you paddled again? A. I don't know.

Q. Were you paddled January 21, 1891? A. I don't know; I have never kept track.

Q. Can't you tell how many times you were taken to the bath-room and punished? A. No, sir.

Q. Give us any idea at all about it? A. No, sir.

Q. Can't you tell whether you were there twice or six times? A. No.

Q. Were you there twenty times? A. No, sir.

Q. Fifteen times? A. No, sir.

Q. Ten times? A. I couldn't say how many times I was there.

Q. Were you paddled four different times from the sixteenth of January to the twenty-fourth of January, inclusive, of 1891; can't you remember that? A. No; I can't.

Q. Can't you remember whether you were paddled four times in about two weeks? A. If I did I don't remember; I remember I was paddled.

Q. Don't you remember you were paddled six times? A. No, sir.

Q. You don't deny but what you were punished the 16th of January, 1891, and punished again on the 21st of January, 1891, and again the twenty-third and twenty-fourth? A. I wont deny it because I can't remember it.

Q. According to the record you received B blows, D blows, D blows and F blows; do you know on February 12, 1891, and February 18, 1891, you were punished again? A. I can't remember that.

Q. What was the greatest number of blows you ever received while being punished? A. About six.

Q. Ever struck upon any other part of the body than upon your back or buttock? A. No, sir.

Q. Did you ever cry while you were being punished? A. No, sir; only once; that was the first time; I don't know how it was then.

James Peters, No. 29, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Have you ever been imprisoned in the Elmira reformatory? A. Yes, sir I have.

Q. When were you sent there? A. August 13, 1891.

Q. For what offense? A. Robbery, second degree.

Q. From what place? A. New York city.

Q. When were you paroled? A. November 16, 1893.

Q. You are still under parole? A. Yes, sir.

Q. Did you plead guilty? A. I did.

Q. While in the reformatory, did you attend the school? A. Yes, sir; I did.

Q. What class did you enter? A. B-class.

Q. What class were you in when you were discharged? A. B.

Q. The same class? A. When I entered I was in I one.

Q. You improved in education while you were there? A. Yes, sir.

Q. Did you learn any trade while you were there? A. Yes, sir.

Q. What trade did you learn? A. Upholsterer and part of bookbinding.

Q. Are you following the trade now ? A. Not at present.

Q. Have you any employment now ? A. I am in the clothing business as a clerk.

Q. What wages do you receive ? A. Twelve dollars a week.

Q. What have you to say in reference to the manner in which Mr. Brockway treated you ? A. I was treated first-rate by Mr. Brockway; I have nothing to say against Mr. Brockway whatsoever.

Q. What have you to say in reference to the manner in which he treated other inmates ? A. I have no knowledge whatever; I haven't seen anything or know nothing.

Q. As far as you are concerned yourself you have no complaint to make ? A. No complaint to make.

Q. While you were in the reformatory were you punished ? A. Yes, sir; once.

Q. Taken to the bath-room ? A. Yes, sir; once.

Q. For what offense ? A. I don't exactly recollect; I think it was losing too many marks.

Q. In what ? A. In demeanor.

Q. How many blows did you receive ? A. Two.

Q. After that did you observe the rules more carefully than you did before ? A. Yes, sir; I did.

Q. What do you say is the effect the spanking had upon you ? A. First-rate.

Q. Improved you ? A. It did.

Q. Did you ever hear Mr. Brockway use any profane language toward the inmates ? A. No, sir; I have not.

Q. Ever hear the officers use profane anguage to the inmates ? A. No, sir; I have not.

Q. Does the fact you are now under parole make any difference with the statement you are making here ? A. No, sir; it does not.

Q. How did you come to give your evidence here, did you volunteer to give it? A. I did.

Q. Did you write to Mr. Brockway or anyone else you were willing to come before the committee? A. No; I didn't exactly write to him.

Q. Telegraph? A. No; I didn't receive any telegraph.

Q. How did it come about you were spanked and have appeared here to-day? A. I was up at Fifteenth street at Mr. Kimball's office to make my report there, and I asked Mr. Hoppe if he wanted me to appear before the committee, and he says he wouldn't mind it, and I said I would.

By Dr. Smith:

Q. Do you think your life in the reformatory has been a benefit to you? A. Oh, yes; it has improved me physically and mentally and intellectually.

Q. Were you in the gymnasium? A. Yes, sir; I was in there six months.

Q. Were you in better health when you came out than when you went there? A. Yes, sir; a good deal better.

Q. Do you know what the maximum term is? A. Fifteen years; two years and three months I served.

Q. You are aware of the fact you may be arrested and required to remain the whole fifteen years? A. I am aware I can be arrested; I am not aware I shall have to serve the balance of my term; I may have to.

Q. You understand that? A. Yes, sir.

Q. Notwithstanding that fact your statements have not been influenced or affected in any way by the knowledge of the fact that you may be returned there and held there? A. I have my papers to guide me, just as I am to-day, and I am guided by that.

Q. I am requested to ask of you ever had a brother there? A. Yes, sir; I did.

Q. Is he there now? A. No, sir; he is not.

By Mr. Litchfield:

Q. Did you write a letter to Oscar Craig last fall at the time the investigation began? A. Yes, sir; I did.

Q. Did you sign your own name? A. Yes, sir; I did.

Q. Do you remember what the contents of the letters were? A. I wrote just as I say here.

Adjourned to Elmira, Tuesday, January 30, 1894, 9 a. m.

Elmira, Tuesday, January 30, 1894, 9 a. m.

The committee met pursuant to adjournment.

Present.—Hon. Edward H. Litchfield, chairman; Hon. F. R. Gilbert, Deputy Attorney-General.

John H. Stanchfield and E. Babcock, appeared for the reformatory.

Mr. Litchfield.—Mr. Babcock, are we ready to proceed?

Mr. Babcock.—Substantially. I have an application to make. When this investigation began the committee consisted of three individuals. Mr. Craig, by death, has been removed, and since the last adjournment we have been informed that Dr. Smith is in attendance at a sanitary congress abroad, but that he is probably on the return voyage home now. We feel it due to this institution that Dr. Smith should be present to hear the remainder of the testimony, to see the witnesses who give the testimony and to pass upon some medical questions that may arise in the course of the investigation. As he will be here so soon I ask the remaining members of the committee to postpone the further hearing of this case for two reasons — to enable us to condense and arrange some of the testimony we intend to put into the case eventually, and because of the absence of Dr. Smith, whose presence we desire, whose presence we are entitled to. It does not meet the requirements of an investigation, it seems to me, of this character, that he be absent so as not to see the witnesses or hear them, and left only to read the testimony that may be taken. A lawyer's instinct very quickly tells him that we are at a disadvantage in having a minority of the court only here with a quorum absent, and, therefore, I respectfully submit that further hearing be postponed until the return of Dr. Smith, who undoubtedly will be here in a few days. It certainly wouldn't involve an adjournment of more than two weeks, and I think we are entitled to, and I move, Mr. Committeeman, that we be granted this application.

Mr. Litchfield.—Mr. White, do you wish to say anything?

Mr. White.—Only we are opposed to any adjournment, and we would like to get through this invesigation as soon as possible. On another occasion you appeared alone and listened to the testimony, and there was no objection made by either side at that time.

Mr. Litchfield.—Mr. Attorney-General, have you anything to say on this subject.

Judge Gilbert.—No; I think it is a matter that rests entirely on the judgment and discretion of the commission.

Mr. Litchfield and Judge Gilbert hereupon retired for consultation. On returning Mr. Litchfield said:

Mr. Babcock, as I understand your application you ask for a postponement or adjournment on account of the absence of Dr. Smith.

Mr. Babcock.— Yes; that is one of the grounds I specify.

Mr. Litchfield.— Which was the other ground?

Mr. Babcock.— The other ground it would give us a little more time to condense and arrange our testimony, which we really need. We did the best we could to get it in shape. It does seem to me clearly we ought to be entitled to the presence of Dr. Smith, since he will so soon return, and we will be in better shape to go on in reference to the testimony, because we have been crowded in getting ready at this time. Those two reasons, it seems to me, entitle us to this consideration.

Mr. Litchfield.— The committee feel that you have had time enough to make your preparation, and therefore, as I wrote Mr. Stanchfield the other day from New York, on that ground we will have to decline any further postponement. On the other ground, on account of the absence of Dr. Smith the committee feel that they are not a court. They are not judges trying a case; they are simply a special commission appointed by the State Charity Commissioners to gather facts to furnish to the board; we simply report the facts back. We report the testimony and the board draw their own conclusions from those facts. Whether we make any written report or not the board will gather their own conclusions from the facts as developed, and the investigation has been very lengthy and very onerous. It has gone on now to nearly five months and a half the very least, and the public and the Legislature and the State Board of Charity Commissioners themselves request us to proceed without any further delay. Although I am very sorry that Dr. Smith is absent still I have to deny the motion.

Mr. Babcock.— Do I understand the board has requested the proceedings to go on since Dr Smith left: since they became aware of his absence.

Mr. Litchfield.— I have consulted with certain members of the board since that even occurred and they feel just as they did before Dr. Smith departed. Dr. Smith, himself, in his letter announcing his departure, requested me to proceed without him.

Mr. Babcock.— Do I understand it is the purpose of this committee to simply return the evidence to the full board or to draw findings from the facts, state conclusions and recommendations?

Mr. Litchfield.— We have not come to that, Mr. Babcock, the question before us at present is whether or not we shall go on to-day.

Mr. Babcock.— The committee was defining some of the functions of the committee, and that led me to inquire what form this report would take.

Mr. Litchfield.— All the testimony goes to the board, whether we will make a report or do not make a report. The State Board of Charities can adopt the report or refuse to adopt it. They can make a report if they choose or make no report. They can turn over all the evidence to the Legislature. We have no power other than to gather facts. We can make suggestions and recommendations, but we have no actual executive power.

Mr. Babcock.— Waiving then the question of time for preparation I desire to enter a protest in behalf of the institution against the proceedings going forward now and before the return of Dr. Smith. I want that to appear in the record.

Mr. Litchfield.— Certainly.

Mr. Babcock.— We demand it, not only as a favor, but as a right.

Judge Gilbert.— I was going to make a suggestion. Under the circumstances the board of managers and the superintendent would have a better opportunity to present their case if Mr. Babcock and Mr. Stanchfield were permitted to represent the board and superintendent and examine the witnesses, introducing their affirmative proof, and whatever questions I might see fit to put would be as the representative of the people and rather in the nature of a cross-examination. I appreciate the embarrassment which surrounds the case by reason of the absence of Dr. Smith, and I think every opportunity should be extended to the other side that reasonably can be for the purpose of enabling them to present their case fully, and I might not be able, being unfamiliar with all the facts relating to the defense, to present them in the manner they ought to be in order to give the defense the full benefit of the facts that exist.

Mr. Litchfield.— Every opportunity will be accorded the defense and Dr. Smith will read the testimony when he returns.

Mr. Babcock.— I hadn't arranged or prepared myself to pursue that course. We should have to post you. Perhaps we can get along under your suggestion. Mr. Stanchfield, what do you say to that ?

Mr. Stanchfield.— What is that?

Mr. Babcock.— Mr. Gilbert's suggestion that you examine the witnesses on the part of the institution. We don't want to get in a hostile attitude toward you. You prefer we should examine them.

Judge Gilbert.— I prefer you should do it, with the understanding I shall no longer represent the board of management and the superintendent, but so far as I appear I represent the people and

the complainants and the committee. That is, that the examination, so far as your witnesses are concerned, as conducted by me, shall be in the nature of a cross-examination.

Mr. Babcock.— At the opening of this proceeding, at the commencement of this examination, Mr. Craig, speaking for the committee, preferred that the Attorney-General should act, in what he characterized, in the capacity of a judge-advocate, maintaining a position of impartiality with reference to the parties, and that suggestion was acquiesced in by counsel who were present for the institution, in the manner which has occurred since the proceeding was instituted. We do not now think it advisable for us to put the Attorney-General in a position of hostility to us, but prefer he should continue to act as the representative, a questioner of all parties to the inquiry. That is the conclusion we have reached.

Mr. Litchfield.— Then, judge, we will continue in the way we have.

Judge Gilbert.— I will try and present your case as fully as can.

Irving P. Winnie, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Where do you reside ? A. Elmira.

Q. Were you ever connected with the Elmira reformatory ? A. Yes, sir.

Q. From what time to what time ? A. From about the 7th of February, 1880, up to the 1st of December, 1891.

Q. In the neighborhood of about eleven years ? A. Yes, sir.

Q. In what capacity ? A. I started in as a guard; filled different positions until I became principal keeper.

Q. You never were confined in the reformatory? A. No, sir.

Q. For how long a time were you principal keeper? A. Nearly six years.

Q. Under the rules and regulations of the reformatory as such principal keeper, you were under the direction of the general superintendent? A. Yes, sir.

Q. You were responsible for the safe custody and proper discipline of the inmates? A. Yes, sir.

Q. And the control and direction of the subordinate officers? A. Yes, sir.

Q. You were also to have a supervision over the inmates in regard to the amount and quality of their labor, etc.? A. Yes, sir.

Q. And the condition of the tools, appliances and surroundings? A. Yes, sir.

Q. That is an outline of your general duties? A. Yes, sir.

Q. Do you remember an inmates by the name of Clineth, consecutive No. 466? A. Yes, sir.

Q. Do you remember that he died in the reformatory? A. Yes, sir.

Q. Can you give the particulars relating to his death? A. I can not.

Q. Do you remember of his ever having been taken to the bath-room to be punished or the room which was then used in place of the bath-room? A. Yes, sir.

Q. Were you present when punishment was inflicted? A. Yes, sir.

Q. Do you remember of his being taken to the hospital? A. No, sir.

Q. Upon any occasion of his being in the hospital? A. I remember his being taken to the hospital on some occasion.

Q. He was not taken from the bath-room or place where he had received punishment to the hospital, was he? A. No ,sir.

Q. From what place was he taken to the hospital? A. From his room, I should suppose; I don't know.

Q. You don't remember? A. No, sir.

Q. Do you know what was the trouble with him, why he was taken to the hospital? A. No, sir.

Q. Was this man ever spanked or punished to such an extent that he had to be carried from the place of punishment to the hospital? A. No, sir.

Q. You say positively that never occurred? A. Yes, sir.

Q. Do you remember that he died? A. Yes, sir.

Q. Where did he die? A. In the reception room of the solitary.

Q. Do you know why he was put in the reception room? A. Yes, sir.

Q. Why was it? A. He had a filthy disease; it was unsafe to have him near other men; he would soil his cell and clothing and we fixed a room down stairs where he would be by himself.

Q. He was not placed in the solitary for the purpose of punishment? A. No, sir.

Q. Placed there because he had a very filthy disease and it was necessary and proper for you to keep him away from the other inmates? A. Yes, sir.

Q. How long had he been in the solitary before he died? A. I can not say; I could judge a couple of months or longer.

Q. Did he remain there all the while? A. No, sir.

Q. What portion of the time did he remain in the solitary? A. We would let him out in the yard about 8 or 9 o'clock in the morning; let him remain out until dinner time; lock him up

for, perhaps, an hour and let him out again until, perhaps, 4 o'clock in the afternoon.

Q. And keep him there during the night? A. Yes, sir.

Q. Was he chained or fastened down? A. No, sir.

Q. What attendance or attention was given him while he was confined in the solitary or reception room? A. The same attendance as given to any man; he received his food three times a day; if I remember right we gave him what are called officers' rations, fed him from the officers' table most of the time.

Q. Do you remember an inmate by the name of Cook, consecutive No. 1832? A. I remember a Cook; yes, sir.

Q. Were you present at any time when he was taken to the bath-room? A. I don't know for that.

Q. Were you present every time that he was punished in the bath-room? A. I don't know for that.

Q. When you were present, was he ever attacked, kicked by either yourself or by anyone else that was present there? A. No, sir.

Q. Kicked in the stomach? A. No, sir.

Q. Or anywhere else? A. No, sir.

Q. Was he in your presence struck over the head? A. No, sir.

Q. With the strap or with anything else? A. No, sir.

Q. Or struck in the face? A. I think that he was struck in the face; around the face once.

Q. With what? A. A strap.

Q. By whom? A. Mr. Brockway.

Q. What for? A. Mr. Brockway told him to stand up and he kept throwing himself around, would not do it, and I think when he threw himself around he struck him.

Q. Struck him only once you say? A. Yes, sir.

Q. Was he ever thrown upon the floor? A. Not that I remember.

Q. Or while upon the floor was he ever kicked or struck by either one? A. No, sir.

Q. Any such thing occur in your presence? A. No, sir.

Q. Do you know a keeper by the name of Halpin? A. Yes, sir.

Q. Did he ever kick this man in your presence? A. No, sir.

Q. Was he ever struck with anything, either upon the head or upon any other part of his body while upon the floor in the bath-room? A. No, sir.

Q. State that positively? A. Yes, sir.

Q. Was he ever struck at in your presence? A. No, sir.

Q. Do you remember an inmate by the name of Michael Howard, consecutive No. 1859? A. I remember a Michael Howard; I don't know the number.

Q. Do you remember of his being confined in the solitary cell at one time? A. No, sir.

Q. Do you remember of his being confined there? A. No, sir.

Q. Was he confined there at one time as long as four days continuously? A. Not that I know of.

Q. About the year 1887? A. I don't remember it.

Q. That was after you were principal keeper? A. Yes, sir; I was appointed about that time.

Q. Could he have been confined there that length of time without your knowing it? A. No, sir.

Q. From the time you were appointed principal keeper down to 1891, were you continuously in your position? A. Yes, sir.

Q. From time to time? A. With the exception of vacation of a week or ten days each year.

Q. You had a vacation? A. Yes, sir.

Q. What occurred during that vacation you don't know? A. No.

Q. Do you know that he at any time was chained down in the solitary? A. No, sir.

Q. You don't know he was ever in the solitary? A. No.

Q. Did you at any time carry food to this man while confined in the solitary? A. I don't remember it.

Q. Will you say you did not? A. I don't remember of carrying it.

Q. That you carried food to him at a time when he was chained down in the corner of the solitary or to the sliding bar of the solitary? A. I don't remember carrying in food to him; I don't remember his being in there.

Q. Was he at any time chained down by both hands in the solitary? A. Not that I know of.

Q. That is, that he was chained in such a way that the shackles were placed upon his wrists; the chain passing through the ring in the corner? A. I don't know anything about that.

Q. You never knew of such a thing as far as this man was concerned? A. No.

Q. Do you know of any inmate being so chained; both hands? A. No, sir.

Q. Or being chained with one hand to the ring in the corner and the other hand to the sliding ring upon the bar? A. No, sir.

Q. Did you ever know of an instance when an inmate was chained in the solitary by both hands being fastened? A. No, sir.

Q. Would you have known it if any such thing had occurred during the time that you were principal keeper? A. Yes, sir.

Q. How often did you visit the solitary cells? A. Oh; I should think four or five times a week; sometimes every day.

Q. But as a general thing you visited the solitaries as often as four or five times a week? A. Yes, sir.

Q. Generally every day? A. Usually every day; yes, sir.

Q. Did you visit the solitaries every day when prisoners were confined in the solitaries? A. No, sir.

Q. By whose authority were prisoners placed in the solitaries? A. Mr. Brockway's.

Q. By whom were they taken there? A. Usually by myself.

Q. When not taken there by yourself who did take them there? A. Well, I can not remember any cases now where they were taken by anyone but myself; if a man should be on the guard-room floor, and I should be in the yard; perhaps the hall-keeper, Mr. McLaughlin or Mr. Sample, or one like that would take them down.

Q. When you found them in the solitary what did you do in reference to notifying immediately the superintendent? A. Came and reported directly to him.

Q. In every instance? A. Yes, sir.

Q. How long is the longest time during the time you were principal keeper, do you know that an inmate was confined continuously in the solitary? A. I don't think over seven or eight days.

Q. Were those inmates chained in any way or fastened? A. Sometimes.

Q. Usually in what way? A. One hand to the ring bolt or the sliding bar.

Q. Why were they confined in that way? A. Sometimes to prevent them from hurting themselves or anything of that sort then again confined there, I suppose, so that they would be sure they were right in that corner all of the time.

Q. Were they sometimes confined there because of their extreme viciousness? A. Yes, sir.

Q. And because the keepers or those who attended to them were in jeopardy or in danger? A. No; not on account of that.

Q. Why were they confined in that way? A. That was one of the rules of the place that a man should be handcuffed in that way.

Q. Whenever he was placed in the solitaries? A. Not always; in some cases.

Q. What cases? A. I can not cite any particular case.

Q. What was the reason; you say there was a rule why an inmate when he was placed in the solitary should be chained? A. Mr. Brockway would instruct me to go to the solitary and

handcuff him down with one hand; that would be my rule to go by.

By Mr. Litchfield:

Q. That was the ordinary custom to handcuff a man down there? A. Not always; no.

Q. Usually? A. Yes; perhaps one out of four would be handcuffed down, the rest would be turned loose in the room; the greatest thing was for fear a man might hurt himself or something of that sort.

Q. It was not for fear of his escaping from the solitary? A. No.

Q. The solitary would hold any ordinary criminal, unless he had files? A. There has been cases where my thoughts were to handcuff him to prevent him from escaping; perhaps it was very rare.

By Judge Gilbert:

Q. Did you ever, upon any occasion, drag this man Howard from the solitary to the hospital? A. No, sir.

Q. Or did you ever drag him from the bath-room or place where he had been punished directly to the hospital? A. No, sir.

Q. Did you ever take him, upon any occasion, to the hospital? A. Not that I remember.

Q. Was he, at any time, in the hospital? A. Not that I remember.

By Mr. Litchfield:

Q. Are you keeper here now? A. No, sir.

Q. Not since 1891? A. December 1, 1891.

Mr. Hoppe.— We offer this in evidence: "Eighteen hundred and fifty-nine, Michael Howard, received January 7, 1885. Paroled January 17, 1887. In the bath-room and spanked once, on the 9th of June, 1885. H. His record shows that he was sick in his room September 4 and 5, 1885, and sick in the hospital with bronchitis from September 5, 1885, to November 9, 1885."

Judge Gilbert.— I was going to suggest we put in evidence all the original conduct records relating to inmate witnesses who have been placed upon the stand. If I recollect right the prosecution introduced from the records or from the papers on file relating to the conduct record of each witness so much of their record as they desired.

Mr. Babcock.— That is right.

Judge Gilbert.— If that is so the proper way would be for the defense now to introduce so much of those records as they may see fit.

Mr. Babcock.— That is what we did in this case.

Judge Gilbert.— And I regard as in evidence all the conduct records.

Mr. Hoppe.— They are in evidence now.

Mr. Fanning.— That is the case; at the first session.

Judge Gilbert.— If that is so, why encumber the record with the contents any further.

Mr. Fanning.— I suppose the purpose is to have its epitome go upon the evidence, whereas these manuscripts, tomes, could not be.

Mr. Babcock.— It would be brief.

Judge Gilbert.— All right; the point you make is the best evidence should be produced.

Mr. Babcock.— We will read from the original record, if that is desired; this is a copy of it.

Mr. White.— We ought to have the privilege of introducing such other portions from the record as we saw fit.

Mr. Litchfield.— On the cross-examination you would have the right to the original record and cross-examine from that.

Judge Gilbert.— Let me suggest that it seems to me we will shorten the examination if, for instance, when I am requested to take up the facts relating to a particular inmate, and examine this witness in reference to that inmate, if after the questions are put upon the direct examination are stopped that you suggest such questions as you would like to have me put, so as to finish each individual case as we go along. Then when we get through with the particular cases on the direct examination we are through entirely.

Mr. Babcock.— Here is a letter that was identified at the hearing in New York, written by Howard, which we want to put in evidence.

New York, January 1, 7, 2, 87.

"Mr. Brockway, *Elmira Reformatory, Elmira, N. Y.:*

"Dear Sir.— I received the letter that you sent to me and was very glad to hear from you. You ask me who J. Miller was, but I am very sorry that I can not give you his exact description; all that I can say of him is that he was an inmate of the reformatory in the year 1885 and 1886, and I hope that he proved himself innocent.

"I am taking good care of myself and I never leave the store unless business compels me to, as to my health, I can not say that it's excellent just at present, and the doctor does not allow

me to go out in this cold weather, so I am not going to report to Mr. Kimball or Round this afternoon, but I will send my brother there, unless the weather changes. I got eight dollars saved already, but I will do my best to show you that I have been reformed at your institution, as many others have been.

"I thank you and Dr. Wey for what you have done for me and I hope that God will repay you for it.

"Mother, sisters and brother, think that I am much better now than I was when I entered the reformatory, and since I am home they all say home is made happy now, and the clouds that I left behind are vanished (up), and I hope that the new heaven which I am under will give me a good share of sunshine. I will do my best to make it, and wishing you the best of luck, I remain,

"Yours truly.

"M. HOWARD, 1859."

"No. 3057 Third avenue, between One Hundred and Fifty-sixth and One Hundred and Fifty-seventh street, New York city."

Q. Do you know how many times this man, Howard, was taken to the bath-room and punished? A. No, sir.

Q. Do you know how many times the man Clineth was taken to the bath-room? A. No, sir.

Q. What was the nature of the disease that Clineth had that you claim was so offensive? A. I should think it was scrofula or syphilis; something of that sort.

Q. How did it manifest itself? A. By running sores and that sort of thing on his neck; had to keep it constantly bandaged; very filthy.

Q. Did Dr. Wey attend him regularly? A. He attended him.

Q. Do you know how frequently? A. No, sir.

Q. You don't know what attention he gave him? A. No, sir.

Q. Did you help take him from the cell after his death? A. No, sir.

Q. Do you know whether this man, Clineth, was ever punished in the bath-room or received corporal punishment? A. Yes, sir.

Q. Do you know when it was he received his last punishment before his death? A. No, sir.

Q. Do you know how many times he was taken to the bath-room and punished? A. No, sir.

Q. About how many times? A. I don't know; I remember once; that is all.

Q. Do you know of his receiving blows over the head or across the face? A. No, sir; he did not.

Q. Do you remember an inmate by the name of William Parks, consecutive No. 1928? A. I remember William Parks.

Q. Not by his consecutive number? A. No, sir.

Q. What do you know in reference to his jumping off the gallery, third tier to the flags below and breaking his leg? A. I know of his jumping off.

Q. Were you present when he jumped off? A. No, sir.

Q. Do you know anything about how he came to jump? A. No, sir.

Q. All you know about it is that it occurred? A. Yes, sir.

Q. That is all you can say about it? A. Yes, sir.

Q. Did you help take care of him afterwards? A. No, sir.

Q. Did you help move him from the flagging? A. No, sir.

Q. Do you remember what time in the day it was or night? A. Twelve o'clock in the day-time.

Q. When the inmates were going to or from their work? A. From their work.

Q. Do you know how this man came to be upon that gallery from which he jumped? A. His room was there.

Q. That was the gallery upon which he was then confined? A. I understand so.

Q. You say this occurred about 12 o'clock? A. Yes, sir.

Q. At what hour in the day were the men usually taken to the bath-room to be punished? A. About a quarter after 1.

Q. So that this man was neither on his way to or from the bath-room when he jumped? A. No sir.

Q. Do you know of anyone being in pursuit of this man at the time he jumped? A. No, sir.

Q. Do you know that no one was in pursuit of him? A. I don't know.

Q. Do you know anything about it except that he jumped and was injured? A. Yes, sir.

Q. Do you know that this man Parks had been chalked in at that time? A. No, sir.

Q. He was not? A. Not marked in at that time.

Q. Do you know that he had been punished frequently before that; I don't remember.

Q. Do you know that any complaint had been lodged against him which would result in his being taken to the bath-room? A. No, sir.

Q. So that you know of no reason why he injured himself? A. No, sir.

Q. Do you know about how long this man had been here before he jumped off the gallery? A. I don't; perhaps a month or so.

Q. Hadn't been here a great while? A. Not that I remember.

Q. Do you remember an inmate by the name of Frank Flaherty? A. Yes, sir.

Q. Consecutive No. 2011? A. I don't remember about the number.

Q. Did you at one time throw this man upon the floor in the hall and did you kick him and tramp on him? A. I threw him on the floor but I didn't kick him.

Q. You may state the facts in reference to that? A. One day at 12 o'clock this man Flaherty came out of the shop with the other men and when the men were forming in line at the foot of the stairs outside of the shop I saw him leave the line and go and stab an officer three times; the officer ran over to me and I sent him to the hospital; he was able to walk himself; I went over to Flaherty and told him to give me the knife which he done; then I kept him right there until the men had all marched in, and I walked with him to the hall; when we arrived at the thirteenth door, as we call it, the entrance to the prison; I attempted to search him to see if he had anything on his person before we locked him up; he had his hand in his right pocket; I told him to take hishand out of his pocket; he didn't take it out, and I dragged it out; he began to resist me and I threw him down and took hold of him and held him down and subdued him and afterward I searched him; he had a knife in his pocket; I thought at the time he was trying to draw it to stab me.

Q. What was it he stabbed the officer with? A. Knife; another knife.

Q. When you came to search him you found he had a second knife? A. Yes, sir.

Q. And it was in the pocket in which he had his right hand? A. Yes, sir.

Q. Was it open? A. It was a shoe knife, perhaps three inches long.

Q. The second knife? A. Yes, sir.

Q. In what department was he working? A. I think in the brush department at that time.

Q. The inmates use knives in that department for the purpose of doing their work? A. Not as a rule; a few, not over three or four.

Q. After you dragged his hand out of his pocket you say he resisted you? A. Yes, sir.

Q. Did he strike you? A. No, sir.

Q. In what manner did he resist you? A. When I pulled his hand out of his pocket he wouldn't let his hand come out and I jerked it out and he jerked back and I got hold of him and in a rough and tumble scuffle there I threw him down; that is the way he resisted me.

Q. After you threw him down what did you do? A. I kneeled on him; put my hand on his throat.

Q. Your knees on his body? A. No; I bent over; I don't think I had my knees on him.

Q. You don't mean to say you kneeled on him? A. Perhaps not; what I meant to say I knelt down and put my hand on his throat.

Q. Did you strike him when he was down? A. I think I did.

Q. More than once? A. Several times.

Q. Where; in the face or upon his body? A. In the face.

Q. Did you cause the blood to run? A. No, sir.

Q. From his nose or any bruises or cuts? A. No, sir; I don't know for bruises.

Q. Did you kick him while he was down? A. No, sir.

Q. Did he finally promise to behave? A. Yes, sir.

Q. As soon as he promised that, what did you do? A. I stopped and let him up and searched him.

Q. About how old a boy was he or man? A. I should judge he was about 23.

Q. About what was his size? A. He would weigh about 130 pounds, perhaps.

Q. What is your height? A. Nearly six feet.

Q. And your heft? A. At that time I weighed about 225.

Q. Did you, upon that occasion, use any more force than was necessary in order to subdue the man? A. No, sir.

Q. Did you use any unnecessary force? A. I don't think I did.

Q. Were you not angry? A. No, sir.

Q. How severely was the man injured that he assaulted? A. The officer, I think he was stabbed on the left side of the breast and I think in the arm twice.

Q. Dangerously? A. I don't know; it was so he could walk to the hospital.

Q. Was he confined to the hospital for any length of time? A. I think he was there that afternoon and then went to his home in the city; he was a citizen officer.

Q. What was his name? A. Phelps; I think he was a keeper in the brush shop at the time.

Q. I am requested to ask you whether you did or did not kneel, place your knees upon this man's breast when he was down? A. I did not.

Q. Why did you think it was necessary at that time, you having the boy down upon his back and you being over him, either with your knees upon him or simply bending over him, why did you think it was necessary, you being a strong, power-

ful man, to beat this boy in the way you did in the face? A. I thought he had a knife in his pocket.

Q. Did you think, because he had a knife in his pocket and when you had control or hold of his arms and control of him in that way, that you should strike him in the face the number of times you did? A. I had hold of his throat; his arms were free; from his manner, it was a very common occurrence to find knives on the men when I bring them in in that way, and from his manner I thought he had something of that sort.

Q. I understood you to say that you found that he did have the second knife? A. Not until after I had thrown him down and choked him and subdued him.

Q. These blows that you gave the boy in his face were given before he admitted or owned up that he had the second knife? A. Yes, sir.

Q. You were punishing him or using this force that you refer to for the purpose of compelling him to give up the second knife and when he gave that up then you ceased punishing him? A. I didn't punish him; I didn't know that he had the second knife he had his hand in his pocket and I thought he had a knife and I told him to pull out his hand and he wouldn't do it and I jerked out his hand and then he jerked back and we went through the maneuver I testified.

Q. After you got on the floor and after you got him under control, where your superior strength was sufficient to hold him, why were you striking him these several blows in his face? A. I didn't strike him on the floor when I had him under control; I threw him down and he jumped around and jumped at me, and I would jump at him and slap him and that sort of thing, and finally I got him on the floor and choked him.

Q. I understood you to say after you got him on the floor then you struck him in his face several times? A. I say that still.

Q. After you had got him down and under control, that is, where you could control him, why did you strike him in the face with your fist? A. When I got him down I didn't have him under control; I got him by the collar and upset him on the floor, and he jumped around the other way and perhaps got half way up.

Q. You couldn't hold him any easier, could you, while you were striking him in the face than you could if you had used both hands in trying to hold him? A. May be I didn't strike him in the face after I got him by the throat and subdued him.

Q. I understood you to say that after you threw him upon the floor and while you were holding him with one hand by the throat you were striking him with the other in the face? A. I did not mean to say that.

Q. You don't mean to be understood that way ? A. No, sir.

Q. You do mean to be understood that you struck him in the face after he was thrown upon the floor ? A. Yes, sir.

Q. You say you done that because you thought he had another knife ? A. Yes, sir.

Q. Not because you knew he had another knife, and that he was refusing to give it up ? A. I didn't know what he had in his pocket.

Q. I am requested to ask if you can state about how many blows you struck this fellow in the face ? A. I should judge four or five.

Q. Were there any marks upon his face afterwards ? A. Not that I remember.

Q. Did you notice to see ? A. Really I can not remember anything about it.

Q. Do you know where he was confined after this affray ? A. I think I locked him up in a cell near there that day.

Q. Was he taken to the solitary afterwards ? A. I don't know.

Q. Don't know whether he was confined in the solitary or not afterwards ? A. I don't remember; no, sir.

Q. Do you know whether he was paddled for this offense or not ? A. I think he was spanked for that.

Q. Were you present ? A. Yes, sir.

Q. Do you know how many blows he received ? A. No, sir.

Q. Or where they were administered, upon what part of his body ? A. Upon his posterior.

Q. Not over the head or face ? A. No, sir.

Q. Was he strung up ? A. No, sir.

By Mr. Litchfield:

Q. Did he resist in the bath-room ? A. No, sir.

By Judge Gilbert:

Q. Do you know how long this man remained in the reformatory after this affray ? A. No, sir.

Q. What grade was he in at the time ? A. At that time we called it the third grade; red-suit grade.

Q. Had he, up to that time, been a man who observed very generally the rules of the reformatory ? A. Not usually so; he was considered a mischievous fellow and that sort of thing.

Q. Not a vicious one ? A. I never considered him as such.

Q. Do you know what caused the controversy between him and the officer ? A. No, sir.

Q. Whether the officer was at fault or not? A. I know nothing about it.

By Mr. Litchfield:

Q. Did you see the controversy between him and the officer? A. There was no controversy.

Q. Did you see the attack? A. He walked right out of line, pulled this knife out and stabbed him three times; I was looking right at him.

Q. Was the officer an inmate officer? A. Citizen officer.

By Judge Gilbert:

Q. Did you strike this man at any other time than during the struggle on this occasion? A. I struck him about three times.

Q. I mean as a part of this affray; did you strike him upon any other occasion than upon that occasion during the affray? A. I can't understand that the way you want me to.

Q. You had the affray with this man at 12 o'clock? A. Yes.

Q. Did you ever strike him at any other time, or at any other place than during that affray? A. No; never.

Q. The blows were given during the struggle? A. Yes, sir.

Q. While you were trying to subdue him? A. Yes, sir.

Q. With the open hand or fist? A. I think it was the fist.

Q. You know it was the fist, don't you? A. Well, I can't swear it was the fist; my impression is it was; it may have been the open hand.

Q. Do you know an inmate named Patrick Cunningham, consecutive No. 2330? A. I know Patrick Cunningham.

Q. Do you remember, upon one occasion, he refused to leave his cell? A. Yes, sir.

Q. What method did you adopt in order to compel him to come out of his cell? A. There were several occasions; I don't know which one you refer to.

Q. The occasion when it is alleged you used a hot iron? A. On that occasion I went to his room and tried to coax him out; tried to get him to come out, and do everything I could to avoid using anything of that sort; I had already coaxed him or persuaded him once or twice to come out of his room when he had barricaded himself in and stood there with a knife and all that sort of thing, and I persuaded him to come out without any trouble, and I think this was the third time; and I went to his room and asked him to come out, and he had his bedstead and cupboard up against the door; said he would not work any more; he had got through, and he furthermore said I had always been his friend, but I was now his enemy and if I came in there he would kill me.

Q. What did you do? A. I sent an officer to get the iron, after consulting with Mr. Brockway, and being instructed by him, and

we brought the iron down, pushed it in the cell and pulled him out, pulled him up to the door; then he gave up and we took him out.

Q. Did the iron set his clothes on fire? A. His clothes were scorched.

Q. Did the iron burn them sufficiently to start or create a blaze? A. No, sir.

Q. Was his flesh burned? A. No, sir.

Q. Was any water used to put out the fire? A. No, sir.

Q. Any water thrown over him? A. No, sir.

Q. You say you had, upon two or three other occasions, coaxed him to come out of his cell? A. Yes, sir.

Q. Had Cunningham ever been punished before that? A. Not that I know of.

Q. Never been taken to the bath-room? A. No, sir.

Q. So he didn't refuse to come from his room or cell, as you understood it, because he feared punishment? A. No, sir.

Q. Why did he refuse to come from his cell? A. I don't know.

Q. Did he state at the time why he would not leave his cell? A. No, sir.

Q. I understood you to say the last time before you applied the hot iron he said he was not going to work any more? A. He did say that.

Q. Why did he say he refused to come from his room, if anything? A. I don't know.

Q. What did he say? A. I don't know why he said that.

Q. What department was he working in? A. Broom department.

Q. You say you sent for the iron; was this an iron that had been previously prepared? A. No, sir; it was an iron that had been used on other occasions.

Q. Was it an iron that had been previously prepared for the purpose of compelling inmates to leave their cells? A. There was no preparation about it; some men refused to come out, and we went out and picked up an iron or pipe and heated it.

Q. When the iron was first found had it the desired crook to it? A. Twist that around a post or anything.

Q. This iron had been twisted or bent previous to this? A. Yes, sir.

Q. How many different times had it been used? A. I don't know.

Q. Have you seen it used yourself? A. Yes, sir.

Q. Had you helped use it yourself? A. Yes, sir.

Q. Upon how many different occasions? A. I don't remember; two or three.

Q. Was it heated before using ? A. It was warm.

Q. What do you mean by that ? A. I mean that it was sort of a black heat.

Q. Do you know it was simply warm or was it made hot enough so that if the prisoner resisted and the iron was pulled up against him that it would burn him and cause him to come forward ? A. I think if the prisoner should take hold of the iron with his bare hands, or it should come on his bare skin, it would burn him; if it struck the clothing, as it did, it would scorch his clothing, but by that time he would be out of his cell.

Q. What was there at the end that you had hold of, what the officer had hold of, that would enable him to hold the iron so steadily that it wouldn't turn in his hand and the crook come down against the prisoner's person ? A. Nothing on the end of the iron at all.

Q. So that that end, the officer would simply take hold of it with his hands ? A. Yes, sir.

Q. The crook was some two feet or so ? A. Yes, sir.

Q. The heft of the pipe or iron would drop down or turn in the officer's hand ? A. Unless the officer held it tight; as I remember it there was no handle or anything of that sort to it.

Q. Do you know about what part of the body this iron was placed, whether upon the neck ? A. Around the waist.

Q. About what was the length of the iron ? A. I should judge twelve feet.

Q. The officer using it would stand outside the cell door ? A. Yes, sir.

Q. Put it between the bars and over and around the prisoner ? A. Not over; would run it right back to the rear end of the cell and try and get the prisoner one side or the other, and the side he was on he would drop the hook down that side and pull it up quick and another officer would be there with a key in the door; unless he would dodge on the floor; the object was to run it through and hook the man and bring him right up.

Q. How much of a circle did this crook form ? A. I should judge a couple of feet; nearly three feet.

Q. How could they drop the hook around a man unless they dropped it down over his head ? A. If a man stood in a cell, the cell is wide enough to run the iron bar to the rear end of the cell and strike it against the brick work; if the man was on the right side of the door you would turn the hook that way, or if he was on the left side turn it the other way; it was almost impossible to put it over his head, owing to the cross-bars in the door, unless the man dropped on the floor; if he done that you could do it.

Q. Do you know how long this method had been resorted to before this man Cunningham was taken out of the cell in the way he was? A. No; I don't know how long.

Q. Was it resorted to after the Cunningham case, in any case that you know of? A. I don't remember of any case; there may have been.

Q. Do you know that Cunningham had been reduced in grade because of failure to perform his task before this occurrence, and that he had been punished in the bath-room for not having performed his task? A. I don't know anything about that.

Q. You say you have no recollection of being present when Cunningham was punished in the bath-room? A. Yes, sir; I was present.

Q. I mean before this occurrence? A. Never.

Q. How soon after he was taken out of the cell in the manner that you have stated was it that he was punished in the bath-room? A. Perhaps five minutes.

Q. Taken directly from his cell to the bath-room? A. Yes, sir.

Q. Wasn't it then true that the reason you were taking him out of his cell at that time, was to take him to the bath-room for punishment? A. Yes, sir; that is why we took him out.

Q. That is the reason why you went to the cell that morning to ask him to come out? A. That was my reason for taking him out.

Q. He knew that was your object? A. I don't know; no, sir.

Q. I understood you to say a moment ago that you didn't go there for the purpose of taking him to the bath-room, but you went there for the purpose of seeing whether he would go to work or not? A. I understood you to say if Cunningham knew I went there for the purpose of taking him out.

Q. Did you go there at that time for the purpose of taking him to the bath-room; you say that was your purpose? A. Yes, sir.

Q. He, upon that occasion refused to leave his cell? A. Yes, sir.

Q. His cell was barricaded in the manner you have stated? A. Yes, sir.

Q. Hadn't he been chalked in before that? A. Yes, sir.

Q. He knew that? A. Yes, sir.

Q. When they are chalked in they are notified of the fact they are chalked in? A. When a man is chalked in he don't know he is going to the bath-room or what is going to happen to him.

Q. He knows something is going to happen? A. Not always.

Q. What do two chalk marks on a cell door indicate? A. That the man shall stay in his room.

Q. Doesn't it always indicate he is to go to the bath-room? A. No, sir.

By Mr. Litchfield:

Q. It sometimes indicates he is to go to the bath-room? A. That is one of the bath-room indications.

Q. Very frequently when that mark is put on the door that man goes to the bath-room? A. Yes.

Q. And is spanked after he gets there? A. Sometimes.

Q. A man who is going to be spanked is always chalked that way? A. Unless he is marked in from the shop.

Q. It is only reasonable for a convict to suppose he is going to be spanked if he has a couple of chalk marks on the door? A. It doesn't necessarily follow he is going to be spanked.

Q. A double chalk mark means he is to go to the bath-room? A. It means he is to be chalked in; he may be locked in his room pending some other investigation or something; very frequently lock up a man so he won't be in the way, while something else is being investigated; or if you want the doctor to see a man we chalk him in until the doctor can see him.

Q. What do the marks upon the door indicate; what marks are placed usually upon a door when an inmate is to be punished or he is to be proceeded against in any way? A. Two crosses.

Q. Aren't there different marks, indicating different things, placed upon the door? A. Not in my time.

Q. Prior to 1891? A. No, sir.

Q. Was it but just one mark, two cross marks? A. Yes.

Q. It might indicate one thing and might indicate another? A. Yes; the chalk marks might.

Q. Do they ever use one cross or chalk mark? A. I believe they did.

Q. What did that indicate? A. I think it was something of the doctor's chalk marks, relative to treating the men.

Q. When you said a moment ago it might indicate the doctor was to call, two chalk marks, what did you mean by that? A. I remembered that I said when I wanted the men to see the doctor I put two chalk marks on; if there were times I thought a man ought to see the doctor, or see him regarding something, I would have him chalked in with two chalk marks, but if I remember right the doctor, when a man was under treatment, he would mark one cross on the door.

Q. When you wanted a man to see the doctor you put on two chalk marks? A. That was before the doctor saw him; after the doctor saw him there would be only one chalk mark.

Q. Were you present at the time when Mr. Cunningham was punished ? A. Yes, sir.

Q. Was he struck on any other part of his body than the buttock ? A. Not that I remember.

Q. Wasn't he struck by Mr. Brockway in the face? A. Not that I remember.

Q. With the fist ? A. No, sir.

Q. Mr. Brockway cutting his face with the ring that was upon his finger ? A. No, sir.

Q. You say that did not occur ? A. Yes, sir.

Q. Did Mr. Brockway at any time in your presence strike this man, Cunningham ? A. No, sir.

Q. With anything else only the strap ? A. Except the strap.

Q. Did he strike him over the head with the strap ? A. No, sir.

Q. Or over the face ? A. No, sir.

Q. You say you never saw this man, Cunningham, punished but once ? A. No, sir.

Q. As far as you know that was the only time he was ever punished ? A. Yes, sir.

Q. Do you know what was done with this inmate after he left the bath-room ? A. I don't remember.

Q. Don't you know he was taken to the solitary ? A. I don't remember that.

Q. And that he was chained there ? A. No, sir.

Q. Don't remember anything about it ? A. No, sir.

Q. You say you tried to coax this man out of his cell; what method did you adopt to try to get him out ? A. I assumed a very pleasant tone, smiled on him and that sort of thing; "The best thing you can do is to come out," and adopted about the same tactics any gentleman would with a man trying to get a favor from him; I tried to reason with him; everything of that sort.

Q. You were trying to smile him out of his cell to get him to go to the bath-room to be punished ? A. Yes, sir.

Q. He, knowing you were intending to take him to the bath-room to be punished, resisted? A. I don't know whether he knew what I wanted to do with him.

Q. He wasn't one of those inmates that enjoy the paddle, that laughed? A. I don't know anything about those inmates.

By Mr. Litchfield:

Q. Did you ever see any such inmates who liked paddling and wanted more of it? A. I never saw anyone; no.

By Judge Gilbert:

Q. Did this man Cunningham ever exhibit to you any weapon at any other time when you wanted to come out of his cell? A. He gave me a knife the second time, I think.

Q. I mean before this occurrence, when you took him out of the cell with the hot iron; did he refuse at any other time before that to leave the cell and at the same time exhibit to you a weapon of any kind? A. Yes, sir.

Q. Why were you wanting him to leave the cell upon that occasion? A. That time he remained in the cell without any provocation; he was not chalked in the second time; I got word the man was in his room and wouldn't go out to work; not chalked in at all, and I went down there and we considered him a bad fellow, dangerous man and that sort of thing and I persuaded him to give me up the knife and go out and go to work.

Q. What threats, if any, did he make upon that occasion? A. He told me if I came in he would do me up or something of that sort on that occasion.

Q. That was before you took him out with a hot iron? A. That was the second occasion; I think I coaxed him out twice and the third time when I attempted to coax him out I failed.

Q. When he made the threats to you the second time before the hot-iron occurrence, was he punished for that? A. No, sir.

Q. Did you report him? A. Yes, sir.

Q. He came out and went to work? A. He came out and I sent him to work.

Q. Was he lowered in grade for that? A. I don't think he was at that time, but I think that report with the other reports, perhaps, reduced him three or four weeks later.

Q. So, at the time he was taken out of the cell with the hot iron, he was in the third grade? A. I think so.

Q. At the time he refused to come out of his cell and exhibited a knife, then he was in the second grade? A. I think so; lower first grade we called it at that time.

Q. What weapon, if any, did Cunningham have at the time you burned him out? A. Had nothing that I found.

Q. Who was present at the time you hauled him out in that way? A. I think Officers McLaughlin and McNish.

Q. If he hadn't any weapon, anything by which he could injure you, why did you resort to a hot iron? A. Judging from past experience with him, I took it for granted he did have something of that sort; I don't know whether he had it or not.

Q. Did you see this man so as to notice his appearance the next day after the affray? A. No, sir; I don't remember.

Q. Did you pay enough attention to him so you can now say positively he was not burned either upon the ear or neck with that iron? A. I could say that he was not burned.

Q. Can you say that hot iron did not strike or hit his ear or neck? A. I can't say it didn't strike him, but I will say it didn't burn him.

Q. How can you say that; it was hot enough, you say, to burn his clothes, scorch them? A. I can not explain that; I don't know whether it struck him or not.

Q. Did you afterwards give sufficient attention to this man so you are now able to say he was not in any manner injured by the attempts which you made to bring him out of the cell with that hot iron? A. When I took him to the bath-room, I saw he was not injured at all so I gave him no more attention after that; I didn't handcuff him when I took him out of the room; just got him to the door and pulled him out.

Q. How large a man was this Cunningham? A. A man that would weight 145 pounds.

Q. How old was he? A. I should judge about 26.

By Mr. Litchfield:

Q. Did you consider him a dangerous man? A. Very dangerous.

Q. He had once before been found in his cell with a knife? A. Twice; once he had a knife and gave it up to me and came out.

Q. So it was reasonable for you to suppose he had a knife in the cell at that time? A. Yes, sir.

Q. You say two or three other cases you were present at where you extracted men from their cells by use of the hot iron? A. Yes, sir.

Q. Were those before or after this Cunningham episode? A. I think they were before.

Q. About that same time? A. Well, no; it wasn't a common occurrence to take a man out in that way; I don't think we done it with more than three or four cases in a long time.

Q. In each of those cases did you have reason to suppose the man had a knife? A. Always judging from the knives and things we had taken from him prior to that.

By Judge Gilbert:

Q. How many cases do you say there were all during the six or seven years that you were the principal keeper that inmates

were taken out of their cells by aid of hot irons? A. I don't remember of but three or four.

Q. I am requested to ask this; where was this iron heated? A. At what we call the boiler-house.

Q. How far was that from the place where it was used? A. I should call it 600 feet.

Q. Upon this occasion who was it that took the iron to the boiler-house? A. Officer McLaughlin, I think.

Q. Was it red hot? A. No, sir.

Q. Do you think it was red hot when it was brought out of the boiler-house? A. I don't know; I was not there.

Q. Did you use the iron? A. No, sir.

Q. Who did use it? A. McLaughlin used it; I directed him.

By Mr. Litchfield:

Q. How do these men manage to get hold of these knives? A. I don't know; there are a thousand ways of getting them; men working on an emery wheel take a little piece of steel; grind that sharp.

Q. They will make the knives themselves? A. Yes.

Q. They are not knives that are in the workshop? A. The knife Cunningham had that he gave up to me was a knife we used in the broom shop to cut the corn; a knife perhaps eight or nine inches long.

Q. Is there method of surveillance to prevent men stealing such knives? A. Yes; we always endeavor to gather them up; sometimes they disappear.

Q. Any regular method of checking off the knives each day? A. Used to be; gather them up just before quitting time.

Q. Was that method in force as long as you were here? A. Yes, sir.

By Judge Gilbert:

Q. Was Mr. Brockway there at the time this man was taken out of his cell with the hot iron? A. No, sir.

Q. Was he on the guard-room floor or in sight? A. I didn't see him.

Q .Did you receive orders from him to take the man out of the cell in that manner? A. I received orders to take him out of the cell.

Q. You adopted your own method? A. He told me to take the iron.

Q. When he said, "Take the iron," did you understand by that that he also ordered you to heat the iron? A. I understood that was the customary thing to do when we took the iron; he didn't tell me to take the iron and heat it and do this or do that.

Q. Do you mean to say when he said "use the iron" that he meant you should use it in the customary way, to make it hot? A. Yes; warm.

Q. Let me ask you why you three men with an iron bent in that way at one end, with a hook to it, that you could put around a man's body, weighing 140 pounds, that you three men couldn't have taken hold of that iron and hauled him up to the door; a cold iron? A. If you should put a cold iron in a man would catch hold of it, and if you had no handle you couldn't do anything with it.

Q. It was necessary then to make the iron so hot that the man himself couldn't take hold of it at his end of it, without burning his hand? A. I won't say that.

Q. Why, with you three strong men at the other end of this iron, why couldn't you have hauled him out with a cold iron? A. Because a man has all the advantage in the world in a narrow cell; he could catch hold of a cold iron or stand on it, and we could do nothing with it at all.

By Mr. Litchfield:

Q. The sole object of heating the iron is to prevent a man from taking hold of it? A. That is one of the objects.

Q. Have you ever seen any other methods tried for taking a recalcitrant out of his cell, such as the use of water or starvation? A. No, sir.

Q. Was this the only method ever employed in this institution for that purpose? A. I don't understand you.

Q. Such as suffocation, cold water and starvation; have you ever seen any methods employed here except the use of the hot iron? A. About six cases out of ten, where a man stayed in his room, and it was natural to suppose he didn't have any knife or anything, we would go in the cell and bring him out without anything; I have never seen any other methods, only by going in the cell and catching hold of him and pulling him out and taking that iron.

Q. That is not applicable where you have reason to suppose a man had a knife; in taking him out that way I understand a keeper was killed; you have seen no other method employed except by going in the cell and taking him out by main force, or use of the iron? A. That is all.

By Judge Gilbert:

Q. When this iron was brought to you did you use any test to ascertain whether it was hot or not? A. No, sir.

Q. Or whether it was too hot? A. No, sir.

Q. You don't know anything about how hot it was? A. No, sir.

Q. You took it as it was brought to you? A. It was black hot.

Q. You mean the iron was black and not red? A. Yes, sir.

Q. You say it scorched his clothes? A. Yes, sir.

Q. Did it scorch them so it was necessary to mend the clothing afterward? A. I don't remember about that.

Mr. Babcock.— We desire to call attention to the fact that the conduct record shows this man was spanked but once, and that was on the occasion referred to by Mr. Winnie when he took him out of the cell by force.

Q. Do you recollect an inmate by the name of Jacob Myers, consecutive No. 2461? A. I don't remember him.

Q. Did you kick this man Myers in the side upon any occasion? A. I don't remember doing it.

Q. Wouldn't you remember if any such thing as that occurred? A. Yes, sir.

Q. Do you state positively that did not occur, and particularly didn't occur in the presence of McLaughlin and McNish? A. I don't remember doing it.

Q. You remember this man well? A. No, sir; I don't remember him.

Q. Let me call your attention to a time when McNish and him had some controversy, and McNish was standing over him with a knife? A. I never knew any such circumstances.

Q. Do you remember seeing this man Myers with a black eye? A. No, sir.

Q. Know nothing of that kind? A. No, sir.

Q. Did I understand you to say you don't recollect this man Myers, or Shinsky? A. No, sir.

Q. There may have been such a man? A. Yes, sir.

Q. There may have been such an occurrence? A. If there had been such an occurrence as McNish standing over him I would remember it.

Q. There may have been such an occurrence as your kicking him in the side? A. May have been.

By Mr. Litchfield:

Q. At the time you were here there must have been somewhere around 900 or 1,000 convicts in the reformatory; could you at this length of time remember any of them particularly well? A. I have not seen them; I, of course, can't tell until I looked them over to see how many I can recollect.

Q. Would you not find it difficult to recall many of them under those circumstances; a thousand men; new men coming and old

men going — is your memory good as to these ? A. Very good; yes, sir.

By Judge Gilbert:

Q. Were you ever in the bath-room upon one occasion when this man, Shinsky, or Myers, was punished there ? A. I don't remember the man at all, or anything about him.

By Mr. Babcock:

Q. Are you able to say that at the time it is claimed by this Myers that you kicked him, that McNish was standing over him with a small knife, ready to stab him; anything like that ever occur ? A. Never.

By Judge Gilbert:

Q. Do you remember an inmate by the name of Thomas Decker? A. I remember Thomas Decker.

Q. Did he at one time run away, and did you catch him and strike him with your fist ? A. Never.

Q. Were you present upon one occasion when this man, Decker, who was in the room where Mr. Brockway usually examines the inmates on the guard-room floor, and Mr. Brockway struck him and then the inmate started to run and you caught him and you struck him; anything of that kind occur ? A. Never.

Q. Were you ever present upon any such occasion when Mr. Decker was struck by Mr. Brockway ? A. No, sir.

Q. Do you state positively you never struck him ? A. Yes, sir.

Q. Upon that occasion or any other ? A. Upon that occasion or any other; no, sir.

By Mr. Litchfield:

Q. Were you present when Thomas Decker was interviewed by Mr. Brockway ? A. Not that I remember.

Q. Were you never there when Mr. Brockway spoke to him ? A. I was there when he had interviews, but I don't remember Decker being present.

By Judge Gilbert:

Q. Were you ever present upon any occasion when Mr. Brockway, upon the guard-room floor, while interviewing the inmates, struck any one of them in the face with his fist ? A. Never.

Q. Were you frequently present when he was interviewing the prisoners ? A. Yes, sir.

Q. Particularly interviewing them upon the guard-room floor? A. Yes, sir.

Q. Were you present frequently at times when the prisoners were first brought into the reformatory and were first interviewed by Mr. Brockway? A. I was never present only to step in for a moment or something of that sort.

Q. Did you frequently take prisoners before Mr. Brockway for the purpose of being interviewed by him or their having interviews with him? A. I have taken prisoners before him.

Q. Did you ever, upon any of those occasions, see Mr. Brockway strike one of the prisoners in the face or anywhere else with his fist? A. No, sir.

Q. Or with his hand? A. I never saw him strike them at those interviews.

Q. Seen him strike them at any other time? A. I don't remember of ever seeing him strike a man only with a strap.

By Mr. Litchfield:

Q. Do you swear so positively? A. I swear I don't remember of seeing him.

Mr. Babcock.—We want to put this record in.

2520. Thomas Decker.—Received January 11, 1887; burglary, third degree; maximum, five years; age, 17 years; prisoner in the New York House of Refuge for stealing, came out about three months ago, No. 22,333.

## Record at Reformatory.

July 1, 1887, promoted to first grade.

Made imperfect record for April, May and June, 1888.

## School Failure.

August, 1888, guilty of fraud at examination.

November, 1888, reported for laughing, quarreling, making threats.

December, 1888, obtaining vinegar irregularly.

April, 1889, loss of school marks.

May, 1889, reported for asking citizen for tobacco, and for several offenses of talking.

July, 1889, loss of school marks.

August, 1889, reported for insolence, disobedience, disorderly conduct.

September, 1889, reported for insubordination.

He was paroled February 19, 1890.

Absolutely released August 14, 1890.

Q. Do you remember an inmate named John Berkley? A. Yes, sir.

Q. Do you remember of his being punished in the bath-room? A. Yes, sir.

Q. Did you in the bath-room strike this man Berkley? A. I don't remember it.

Q. In the presence of Superintendents McLaughlin and McNish? A. I don't remember it.

Q. Will you say you did not do it? A. I don't remember doing it.

Q. Will you swear positively you did not? A. I will not.

Q. If you did strike him, was there provocation for it? A. Yes, sir.

Q. Can you say now what the provocation was? A. It would be quite hard; I don't remember striking him; I am quite sure I did not strike him.

Q. Edward A. Kimmey, do you remember him? A. I don't recall him now.

Q. Remember his being taken to the bath-room and punished? A. No, sir.

Q. Was he ever kicked by you or in your presence? A. Not that I remember of.

Q. Do you remember his being struck over the face with the strap? A. No, sir.

Q. Or over the head by anyone? A. No, sir.

Q. Do you remember his being kicked by the superintendent? A. No, sir.

Q. Or by anyone else? A. No, sir.

Q. Will you say positively you never kicked him? A. No, sir

Q. Will you say positively he was never kicked in your presence by Mr. Brockway or anyone else? A. I can not say for that; I will say Mr. Brockway never kicked him.

Q. You can say positively with reference to the superintendent he never kicked him? A. In my presence.

Q. In the bath-room or any other place? A. Yes, sir.

Q. Did you ever see this man, Kinney, with a black eye, black and blue around it, or anything upon his face indicating that he had received a severe punishment? A. I don't remember the man at all.

Q. I am requested to ask how can you say positively Mr. Brockway never kicked him, if you can't remember the man? A. Because I never saw Mr. Brockway kick any man in my presence.

Q. You never saw Mr. Brockway kick an inmate either in the bath-room or anywhere else? A. Yes, sir.

Q. There never was such an occurrence in your presence? A. No, sir.

Q. Did you ever hear Mr. Brockway say anything about having physical contact with inmates? A. I don't get on the meaning of that.

Q. Striking them or touching them either with his hand, fist or foot? A. I never heard him say anything about it.

Q. Did you ever see this man Kinney struck with the paddle, the handle of the paddle? A. I don't remember.

Q. Do you remember what employment Kinney was engaged in? A. No, sir.

Q. Have you any definite recollection in reference to it? A. No, sir.

Q. Either as to what occurred in connection with him in the bath-room or any other place? A. No, sir.

Q. So that your recollection of him is very indefinite? A. Yes, sir.

Q. You know there was such a man in the reformatory and that is about all you can say of him? A. I remember there was a Kinney there; I think there were several, but I don't remember this particular one.

Q. Do you remember an inmate by the name of Thomas J. Miller, consecutive No. 2780? A. I remember Miller.

Q. Remember his being punished one time in the bath-room? A. Yes, sir.

Q. When you were present? A. Yes, sir.

Q. Upon that occasion was he struck by the superintendent across the face and two of his teeth knocked out or loosened? A. Never.

Q. Was he struck across the face at all? A. I couldn't say that he was.

Q. Can you say that he was not? A. No, sir.

Q. Did you, at any time, notice the condition of Miller's teeth? A. He always had two or three little stumps of teeth in his mouth; that was all.

Q. Was your recollection of him so minute and particular that you can state what the condition of his teeth were? A. I remember him when he was employed in the umbrella shop; I used to have to talk to him a good deal, and I remember he had two or three black stumps of teeth; they attracted my attention because he only had those.

Q. He was here for a period of about five years? A. I believe so.

Q. During nearly the whole time you were here did you notice the condition of his teeth before the time when he was taken to

the bath-room? A. I don't remember when he was taken to the bath-room; I noticed his teeth for a long time.

By Mr. Litchfield:

Q. Were his teeth in that condition when he arrived here? A. I didn't see him when he arrived here; when I first saw him my recollection is his teeth were in that way.

By Mr. Babcock:

Q. Who was the dentist of the institution at that time? A. I think Dr. Kerr.

By Judge Gilbert:

Q. There was a dentist that was employed for the inmates? A. As I understand it the inmates would make application for attention to their teeth, or the physician, when he examined them.

Q. Was there any particular dentist who was assigned to the reformatory? A. This Dr. Kerr came up, I think, every two weeks; whether he was assigned or not I don't know.

Q. He was the dentist who usually attended to the inmates? A. Yes, sir.

Q. You say positively that this man, Miller, did not have two teeth broken or knocked out in your presence by any one? A. Yes, sir.

Q. Do you say positively that this man, Miller, was not struck over the face or mouth with the paddle? I. I can't say whether he was struck over the face or not.

Q. Do you say positively he was not struck over the face with a paddle and that the force of the blow was such that it broke off portions of his teeth? A. I could say that his teeth were not broken.

Q. Can you say that? A. Will you kindly repeat it?

(Question repeated.) A. Yes, sir; I say that.

Q. Do you swear positively that his teeth were not broken or chipped, pieces broken off his teeth in that way? A. Yes, sir.

Q. Do you recollect the occurrence when this man, Miller, was in the bath-room with sufficient clearness so you can state positively that he did not receive a blow over the mouth with the paddle and that pieces might not have been broken off his teeth by that blow? A. I remember when he was in the bath-room.

Q. But you can't say whether he received a blow in the month or not? A. Can not say.

Q. Then how can you say he did not, upon that occasion, receive a blow which broke pieces off his teeth? A. I can not say, only if he broke his teeth, I remember the man had no teeth.

Q. If he had some teeth, or imperfect teeth, how can you say those teeth, pieces were not broken off the teeth by the force of that blow ? A. If he closed his mouth I couldn't say.

Q. You couldn't say positively ? A. No.

Q. If Miller should state positively, under oath, that he did receive such a blow, and that the force of the blow did break pieces off of his teeth, two of them, would you be willing to swear positively that is not true ? A. I would be willing to swear that I never saw his teeth knocked out; that is as far as I could go.

Q. Did you notice this man, Miller, after the punishment sufficiently so that you can now say whether there were any bruises upon his face or not ? A. No teeth; no change.

Q. Either in the appearance of his face ? A. Just the same as it was all the time.

Q. Do you recollect Charles Bramst ? A. Yes, sir.

Q. Was he, at different times, punished in the bath-room in your presence ? A. Yes, sir.

Q. Did the superintendent upon one occasion kick this man in the bath-room in your presence ? A. No, sir.

Q. Did you ever, upon any occasion, knock this man down and kick him ? A. I never knocked him down.

Q. Was he at one time, after he had been knocked down, kicked by the superintendent and by yourself ? A. No, sir.

Q. Was he ever, at any time, upon the floor and kicked by any one, floor of the bath-room ? A. Not that I remember.

Q. Did you ever upon any occasion have a collision with this man, Bramst, in the bath-room? A. I don't remember such.

Q. Was there ever any occasion when he was thrown upon the floor by any one? A. I don't remember.

Q. Are you willing to say there never was such an occasion? A. No; I won't say he never was; I don't remember I threw him upon the floor.

Q. Do you remember any occasion when in your presence he was struck by Mr. Brockway over the face with the strap? A. Yes, sir.

Q. You do remember that? A. Yes, sir.

Q. About how many blows? A. I don't think over once.

Q. Why was he struck over the face; do you know? A. Refused to keep his face towards me.

Q. He had been previously directed to look towards you? A. Yes; several times.

Q. Failing to do that you say he was struck once by Mr. Brockway over the face? A. Yes, sir.

Q. Upon that occasion didn't he fall upon the floor or wasn't he thrown upon the floor? A. I don't remember that.

Q. Will you say he did not fall upon the floor? A. I am quite sure he did not.

Q. Will you state positively he was not thrown upon the floor on that occasion? A. I can not state that.

Q. Will you state positively he was not kicked while upon the floor by any one upon that occasion? A. I can't; I can state he was not kicked by Mr. Brockway.

Q. You can't state whether he was not kicked by some of the others? A. No; I can not.

By Mr. Litchfield:

Q. Was he kicked by you? A. Not that I remember.

By Judge Gilbert:

Q. Why is it, if you did or did not kick an inmate when in the bath-room, that you can't now distinctly remember; was it because that was of frequent occurrence? A. Well; it wasn't of frequent occurrence to kick a man in the bath-room.

Q. Did it occur sometimes? A. Yes, sir.

Q. Whether it occurred with this man or not you can't say? A. I can't remember.

Q. Why did it occur upon these occasions that you refer to? A. Sometimes when a man was told to stand up to the wall he refused to stand up; he would jump at one of us or something of that sort, and we would catch hold of him and throw him down; jump up and be a free-for all fight for a minute or two, and we would fight or perhaps kick or do anything to subdue the man for a moment.

Q. Usually how many were in the room? A. Two or three, including Mr. Brockway.

By Mr. Litchfield:

Q. Where would you hit him in trying to subdue him? A. We never had any particular point we aimed at.

Q. Anywhere? A. Anywhere.

Q. Head or face? A. Face.

Q. Ribs? A. Strike him in any place with our hand; the main object, I want to be understood, if he should jump at us; anything of that sort, we would try to catch hold of him and throw him down and hold him so he couldn't do anything; if he was a stout, powerful man and jumped up we would scramble around in that way to get him quieted down.

Q. When you hit him was he on the floor or standing up? A. Would be part down and part up perhaps; wouldn't bt laying down on the floor.

Q. Hit him anywhere you could get at him? A. Yes.

Q. Whether face, stomach or back? A. Hit him any place.

Q. You would kick him any place in the same way? A. I don t remember about kicking very much one way or the other; if you will let me explain; as the man would try to get up I would take my foot and bring it around and kick him on the shins and upset him; the man would be there and attempting to draw a knife, we wouldn't pick out a tender spot to strike.

Q. Did Mr. Brockway ever take part in those affrays? A. Never.

Q. Never did to assist you? A. No, sir.

By Judge Gilbert:

Q. While this man, Bramst, was being punished, did Mr. Brockway at any time take off his coat? A. No, sir.

Q. Before inflicting the punishment? A. No.

Q. Did this Bramst, upon either one of the occasions referred to, receive any wounds or scars on the face or head? A. No, sir.

Q. These occurrences that you refer to, were those instances where you were trying to subdue the man, compel him to stand up to the wall and take the proposed punishment? A. Yes, sir.

Q. They were not punishments that were inflicted — you didn't resort to this for the purpose of compelling him to do anything else except to stand up and receive the punishmnnt? A. No, sir.

Q. Upon those occasions would the inmate insist that the punishment should not be inflicted? A. There has been occasions, not always, of course.

Q. Some of these occasions when the inmate was protesting against his being punished in that manner? A. He would refuse to allow us to punish him.

Q. Take down his pants? A. Yes, sir.

Q. And punish him with the strap? A. Yes, sir.

Q. In order to compel him to submit you would resort to this force if necessary? A. Yes, sir.

Q. Upon some of those occasions then the force used was of such a character that it would leave bruises or wounds upon the inmate's person? A. There may have been bruises; I don't remember any of them.

By Mr. Litchfield:

Q. If you hit a man with that powerful arm of your a pretty good rap do you think it would leave a mark on him? A. I

never struck very many men; I don't know what the effect would be.

By Judge Gilbert:

Q. Did you ever kick any of the inmates except in self-defense? A. Never.

Q. To protect yourself or protect someone else? A. Never.

Q. What, if anything, do you know with reference to the existence of a subterranean or underground cell under the building known as the domestic building; is there any such cell there? A. There is part of an old air duct there; used to be a ventilator years ago; we used it for coal and that sort of thing; when the domestic building was enlarged it was partially walled up; it has the appearance of a cell, but I have no knowledge of it ever being used for anything only coal.

Q. You say it has the appearance of a cell; in what respect? A. My recollection of it is very faint now; I just remember there is a square hole down in there with a grated door; that was put in to prevent the men from escaping from the domestic building to the sub-cellar.

Q. Do you state positively there has never been any inmate confined in that cell, so far as your knowledge goes? A. Yes, sir.

Q. Never been used for the purpose of confining the inmates? A. No, sir.

Q. Have you examined to see whether there was any ring or bar in the cell whereby an inmate can be chained or confined? A. Never examined it.

Mr. Babcock.—I want to call attention to the fact this man, Bramst, testified he was spanked between fifty and 100 times. The conduct record of the institution shows that he was spanked on twelve occasions only.

Q. Do you remember about how many times this man, Bramst, was punished? A. No, sir.

Q. Do you remember about how many blows were given each time? A. I should think about four to nine.

By Mr. Litchfield:

Q. What were the average number of blows given when you were present? A. I couldn't tell as to the average number.

Q. Did you ever count them? A. A man would go down there and sometimes he would get one spat; sometimes he would get two, three, four, six.

Q. Did you ever make a practice of counting the spats? A. Always counted them.

Q. Why did you count them ? A. I can't explain why I counted them.

Q. Part of your duty to count them ? A. Watching an operation of that sort I would count them.

Q. It wasn't part of your duty to count them ? A. No, sir.

By Judge Gilbert:

Q. Was any record kept of the blows as they were given by any one as the punishment was being inflicted; was any one at the time keeping count of the blows, or did the count remain until the punishment was completed and then made ? A. Mr. Brockway would give the blows and make his record of it; the rest of the officers never kept any account.

Q. The record wouldn't be made by him until the punishment was completed ? A. No, sir.

By Mr. Litchfield:

Q. What was the greatest number of blows you ever saw given? A. I don't remember; over sixteen or eighteen; one man at one time.

Q. The majority of men that went in there, about how many blows did they get ? A. One, two, three, four, etc.

Q. What was the average number ? A. I don't think it would be over four or five.

By Judge Gilbert.

Q. Can you give us any idea of the force of the blows, whether the blows that were struck were with full force or simple taps ? A. Usually they were struck with good, full force.

Q. With reference to the effect generally, what have you observed with reference to that, leaving wounds or an abrasion of the skin or discoloration ? A. I have seen the skins discolored, sort of a purple, dark color, but I never saw it broken, unless once in a while there would be a man had some skin disease, pimples or something of that sort, and then perhaps one of those pimples would have a little break of the skin, but take a man with a clean skin, I never saw it broken.

By Mr. Litchfield:

Q. Would it bring the blood to the surface so it would stand as a blood blister under the skin ? A. I never saw any blood run from the body.

Q. Did you ever see it brought to the surface ? A. I have seen the flesh purple from the effect of the blow.

Q. Ever see it so the blood came out in little spots at all ? A. I never saw it come out only from these pimples.

By Mr. Babcock:

Q. You don't mean to say a tap with the strap, if it was given on the head, was given with full force ? A. No, sir.

Q. You only refer to blows across the buttock ? A. Yes, sir.

By Judge Gilbert.

Q. Have you seen inmates with black and blue bruises upon their faces or around their eyes ? A. Yes, sir.

Q. Made by the strap ? A. Yes, sir.

Q. The force of the blow over the head with the strap was sufficient to cause that appearance ? A. Yes, sir.

Q. As you stated in answer to Mr. Babcock, you don't mean to say those blows were given with all the force Mr. Brockway could use ? A. He asked me if the taps, I have seen him tap them on the head like that.

Q. Did you ever see him strike them over the head with anything else besides the strap? A. Never.

Q. The handle of the strap? A. I have seen the handle; I have seen him tap them on the head with the handle.

Q. Have you ever seen cases where he would tap them with such force as to break the skin and cause the blood to run? A. I think there was one case where the skin was bruised, perhaps bled a little; I can't recall who it was.

By Mr. Litchfield:

Q. On the other occasions when he used the handle he did not produce any mischief? A. No, sir.

Recess.

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AFTERNOON SESSION.

Irving P. Winnie, recalled:

Examined by Judge Gilbert:

Q. I understood you to say when Bramst was down on the floor, or partially down, in the bath-room, that he was kicked? A. I said I don't know whether he was kicked or not.

Q. You can't say he was not and can't say he was? A. No, sir.

Q. Didn't you say on your direct or cross-examination that he was kicked? A. No, sir.

Q. Or that when inmates were down on the floor sometimes they were kicked? A. Yes, sir.

Q. Didn't you also say in connection with that that was done in self-defense? A. Considered self-defense; yes, sir.

Q. Usually when that was done there were three or four present, including Mr. Brockway? A. Two to three.

Q. Usually two officers and Mr. Brockway? A. Yes, sir.

Q. Who was the other officer that was usually with you? A. Different periods would be different periods; Mr. Sample, Mr. McNish, Mr. McLaughlin.

Q. Who was usually there? A. For a long time it was Mr. McNish.

Q. Was he a man as large as you? A. No.

Q. About what was his height and heft? A. I should think about five feet, eleven.

Q. About what was his heft? A. About 180 pounds.

Q. Why do you say it was in self-defense to kick a man when he was down when you three people were present? A. A man would turn, refuse to stand up or make a motion to strike me; I would throw him down, and he would jump up, and I would throw him down and he would strike, kick and bite and do everything of that sort during the struggle.

Q. Why as it necessary in self-defense to kick him when he was down? A. I don't think I said I kicked him when he was down.

Q. That was my question, whether he was kicked when he was down, and you said he was? A. If a man laid down on the floor I wouldn't kick him, but when he would jump around, bobbing around and striking I would kick him with my foot, or upset him or do anything to quiet him.

Q. Strike him, throw him down or kick him? A. Yes, sir.

Q. Do you say you three people couldn't hold him without striking him, couldn't subdue him without striking him? A. It is the very first moment; three men could hold him if you could get hold of him; that man would be standing there, and I would be right close to him, and he would whirl around and make a strike at me, and I would catch his arm or something of that sort, and he would throw himself, and I would take him by the collar, arm or something of that sort, and he would throw himself and I would take him by the collar and upset him with my foot.

By Mr. Babcock:

Q. Is that what you mean by kicking? A. That is the principal part; when the man would jump up and kick and strike I would kick, too; not as a rule, but I have done it.

Q. In self defense? A. Yes, sir.

By Judge Gilbert:

Q. Do you know an inmate named Thomas J. McCabe, consecutive No. 2898? A. I remember McCabe.

Q. Did you ever, upon any occasion, when he was in the foundry, strike him; knock him against some boards, leaving a scar on his hip? A. No, sir.

Q. Did you ever strike him at all in the foundry? A. I don't remember of striking him unless it was in the bath-room.

Q. Did you ever have him in the bath-room? A. We had a McCabe in there.

Q. You don't know whether it was Thomas J.? A. No, sir.

Q. You don't recollect any such occurrence when you knocked him against some boards, and made a scar on his hip? A. I never done it.

Q. Do you know a man named William Hogan, consecutive No. 3218? A. I remember William Hogan.

Q. He was an inmate officer? A. Yes, sir.

Q. Paroled officer? A. Yes, sir.

Q. Do you remember his being charged with having stolen dishes in the kitchen? A. Yes, sir.

Q. What, if anything, do you know in reference to his being guilty of that charge? A. I was informed.

Q. What do you know of your own knowledge? A. I found the dishes in his coat pocket.

Q. What dishes did you find in his coat pocket? A. I think a sugar bowl and cup and saucer; something of that sort; milk pitcher, I think.

Q. What pockets? A. Coat pocket.

Q. His ordinary coat? A. Coat that he put on when he went down to his home in the city.

Q. At that time he was living at his home in the city? A. Yes, sir.

Q. And nights he left the reformatory? A. Yes, sir.

Q. Working here daytime on his parole? A. Yes, sir.

Q. What, if anything, did he say at the time you found these dishes in reference to how he obtained them? A. I called him up and said, "You are charged with stealing dishes; are you guilty or innocent;" he says, "I am guilty;" I says, "What in the world did you do that for?" he says, "I don't know what I done it for."

Q. Did he at that time communicate the inmate that had charge of the kitchen loaned these to him? A. No, sir.

Q. And he was only going to use them temporarily upon some occasion; the christening of his child? A. Nothing said about it.

Q. But admitted he was guilty? A. Yes, sir.

Q. Was there anyone present when you had that conversation with Hogan? A. I don't remember; I don't think there was.

Q. Do you know an inmate named Thomas Buckley, 3539? A. I know a Buckley.

Q. Do you remember an occasion when this man Buckley attempted to escape? A. Yes, sir.

Q. Secreted himself in a sand bank or under the floor? A. Under the floor.

Q. Do you remember what room that was in? A. Yes, sir.

Q. Where was it? A. In what we call the little foundry.

Q. Did you upon that occasion try to drive him out of his hiding place by pouring hot iron upon him? A. No, sir.

Q. What was there about that? A. I was notified the man was missing from the foundry, and I went out there where he should have been and could find nothing of him, but on looking around I saw a small stick on the floor, and took my foot, I suspected the man had secreted himself some place, and I brushed that stick away, and as I did I saw a little hole, perhaps as large as my fist, and then I took it for granted he was down in there; the top of the earth for three or four inches was lined with clay, makes it hard; I brushed that away until I got a hole as big as a water pail, and I called down, I couldn't see him, I called down for him to come out; he didn't reply; then I took my foot, they had been pouring off, casting a mold, and there was some sand there, and I brushed some of that sand in the hole, and says, "Come out of there;" the sand was warm, and it struck him on the back of the neck, and he started to come out, and I reached down and pulled him out under the arm pits.

Q. Did you have in your hands at that time a ladle of hot iron? A. No, sir.

Q. Did anyone else there have a ladle of hot iron? A. No.

Q. You state positively at that time hot iron was not poured on him? A. No, sir; I mean to state hot iron was not poured on the man at that time.

By Mr. Litchfield:

Q. Were any fragments of hot iron mixed with the hot sand that you put in the hole? A. There may have been some small pieces.

Q. Fresh from the casting? A. Yes, sir.

By Mr. Babcock:

Q. Were the pieces of casting hot? A. I think they were warm.

Q. What did you use, your hand or foot? A. Foot.

Q. Burn your foot? A. No, sir; I didn't see any fragment of iron at all; I kicked in that sand; there might have been small fragments in it.

Q. When he came out did he make any complaint; if so, what complaint did he make that you had been pouring hot iron upon him or kicking this hot sand down upon him; did he make any complaint? A. No complaint at all; I asked him what he secreted himself away for; he said he wanted to escape; he had a pail of water and a box of bread in there.

Q. Did you, at any time, send Bandorf for a red-hot poker, that you used in attempting to drive a man, I don't know but the same man, to get him out of his hiding? A. No, sir.

Q. Did you, by use of such an iron as that, burn an inmate's neck upon any occasion? A. No, sir.

Q. Or for any purpose? A. No, sir.

Q. Did you tell this man, Buckley, before he came out of his hiding place, or before you poured sand upon him or tumbled the sand down upon him, did you tell him to come out? A. I called to him to come out.

Q. Told him to come out? A. Yes; I told him to.

Q. Did he make any answer? A. No, sir.

Q. Did you notice this man afterwards to see whether there were any marks upon him caused by the hot iron? A. I saw no marks on him; marched him over to the hall.

Q. Did you notice? A. Yes.

Q. Particularly, for the purpose of seeing whether there were any marks upon him? A. I noticed no marks at all.

(Question repeated.) A. I looked him over.

Q. Why did you look him over? A. He had an undershirt and trousers and I could see no marks at all.

Q. Did you look him over for the purpose of seeing whether there were marks upon him or not? A. No, sir.

Q. As far as you did notice you didn't see any? A. I didn't see any.

Q. You say this sand was warm? A. Yes, sir.

Q. Will you say it wasn't hot; that it wasn't hot enough to burn? A. I don't think it would burn.

Q. Did you try to see whether it would burn your hand? A. No, there was no question about its burning.

Q. Why did you kick the sand on him? A. To enlarge the hole to see if he was there.

Q. You mean to say you didn't kick the sand down for the purpose of driving him out? A. No, sir.

Q. But for the purpose of enlarging the place so you could look into the hole? A. Yes, sir.

Q. I understood you to say in the first part of your statement that you kicked the sand down upon him to drive him out; to get him to come out? A. No, sir; I didn't know whether he was there or not; I saw the hole and I kept enlarging the hole that way, and in doing that I kicked some of that hot sand down.

Q. You knew the sand was hot at that time? A. Yes, sir.

Q. Instead of kicking the sand down upon him, knowing it was hot, why didn't you kick it the other way and enlarge the hole that way? A. I might have done that; I didn't think I was burning him when I was kicking the sand down.

Q. You say positively that your object in moving the sand was to enlarge the hole and not to injure the inmate? A. Yes, sir.

Q. Who was present at the time that occurred? A. I don't remember; thirty or forty men in the foundry at that time.

Q. Who notified you he was hiding in that place? A. Messenger boy from the foundry.

Q. Were there other officers there in the foundry at the time? A. When I found the hole?

Q. Yes? A. Not that I know of; Mr. Bandorf was in the building some place; whether he was right there or not I don't know.

Q. Had this man ever been punished in the bath-room before this occurred? A. Not that I know of.

By Mr. Babcock:

Q. Can you state whether sand in molding is hot enough to burn? A. When the iron is first poured in the molds and they are dumped out it is hot enough to burn, but it cools off rapidly.

Q. What was the condition of this, had it just come out of the mold? A. I couldn't say as to that; it was all out of the molds when I got out there, and if I remember right, pouring off and all that was over with.

By Judge Gilbert:

Q. What time in the day was this? A. I think about 11 o'clock in the morning.

Q. What time do they usually take the castings out of the mold? A. At that time they took them out in the morning, about 10 or 11 o'clock.

Q. The molds are filled in the afternoon and they stand over night and empty in the morning? A. Some of them were; usually they were filled in the morning before they pour off; I think they were trying to work the foundry half a day then; not all day.

Q. This man's hiding place was in the heap of sand or under the heap of sand that was formed by dumping the molds? A.

No heap of sand at all; the floor is as smooth as that table, and he was right down in the floor four or five feet.

Q. What is the floor made of? A. Clay; about four inches clay and the earth underneath that.

Q. The floor to the foundry? A. Yes, sir.

Q. This sand that you refer to was the sand that was dumped from the molds upon the floor of the foundry? A. Scattered all around.

Q. This hole was a hole he had dug under the foundry floor? A. Yes.

Q. Did you know a man named George Cowen, consecutive No. 3543? A. I don't remember him distinctly.

Q. Were you present at one time when Cowen was punished in the bath-room? A. I don't remember it.

Q. When it was claimed by him he was struck over the head, over the mouth, by the superintendent? A. I don't remember it.

Q. Were you ever present in the bath-room upon an occasion when the superintendent struck Cowen over the mouth either with the paddle or with his fist? A. I don't remember his doing it.

Q. Don't remember anything of the kind? A. No, sir.

Q. Do you remember an occasion when he was struck by someone in the bath-room with such force as to knock out four of his teeth? A. No, sir; I don't remember it.

Q. If such a thing did occur, would you remember it? A. Yes, sir.

Q. What have you to say as to whether it did or did not occur? A. I have nothing to say; only I know there were no four teeth knocked out of any man in my presence.

Q. Do you know a man named James Boyd? A. Yes.

Q. Did he at one time have charge of the kitchen departments? A. Yes, sir.

Q. Charge of the dishes? A. Yes, sir.

Q. What do you know in reference to his allowing Hogan to take dishes from that department? A. He told me that he gave them to Hogan.

Q. What do you know with reference to his letting Hogan have other things from that department? A. I don't know anything about only those dishes.

Q. Did Hogan tell you or do you know what the arrangement was or deal was between Boyd and Hogan with reference to the dishes? A. No, sir.

Q. Do you know anything about it? A. I know I told Boyd that he was charged with stealing dishes, the same as Hogan;

asked him whether he was guilty or innocent, and he said he was guilty; that he stole them and gave them to Hogan.

Q. How many did he say he had taken? A. He didn't say.

Q. What dishes did he say he had taken? A. He didn't say what dishes; I merely asked him if the dishes I had found in Hogan's pocket, which I found out came from Boyd, if he gave them to him.

Q. Do you remember the day of the week that was on? A. No, sir.

Q. Do you remember it was on Friday? A. I don't remember what day.

Q. Do you say the dishes you found were a sugar bowl, cup and saucer, and anything else? A. Milk pitcher.

Q. Those were the only dishes that you found? A. Yes, sir.

Q. Those are the ones that Boyd admitted that he had stolen and given to Hogan? A. I didn't enumerate the dishes to Boyd; I merely accused him as I did Hogan and he said he was guilty

Q. Do you remember the day of the week they were locked up? A. No, sir.

Q. Or how long they remained in the solitaries? A. No, sir; I don't remember.

Q. Where were you and Boyd when he admitted to you that he had stolen these dishes and given them to Hogan? A. At the top of the guard-room floor stairs on the guard-room floor.

Q. Was that before or after you had seen Hogan? A. After.

Q. How did you come to know Hogan had the dishes? A. An inmate told me there were dishes in his pocket.

Q. What inmate was it told you so? A. I think it was Thomas Oliver.

By Mr. Litchfield:

Q. Did Boyd tell you he had loaned the dishes or that he had stolen them for Hogan? A. I said to Boyd, "You are accused of stealing dishes and giving them to Hogan; are you guilty or innocent?" he says, "I am guilty; I don't know what in the world made me do it;" that is all there was of it.

By Judge Gilbert.

Q. Didn't he say, during the conversation, that he had loaned them to Hogan? A. No, sir.

Q. That Hogan was to have a christening on the Saturday night following, and that he was to return them? A. He said nothing about that.

Q. Did you hear anything of that kind? A. Not a word.

Q. Never have heard a word ? A. I have since then, published reports.

Q. Since this examination ? A. Since it began.

Q. You didn't hear anything of that kind at the time ? A. No, sir.

Q. You state that both Boyd and Hogan used precisely the same expression when you accused them or stated to them that they were charged with stealing dishes, and the reply was, "I am guilty; I don't know what made me do it ?" A. Yes, sir.

Q. Both used precisely the same language ? A. Yes, sir; I used the same question; I says, "What in the world did you do it for ?"

Q. And they replied in precisely the same language ? A. Yes, sir.

Q. Used the same words, no more and no less ? (No answer.)

Q. Was this an ordinary overcoat this man had on, Hogan ? A. The overcoat was hanging out in the wardrobe and my recollection of it was it was a citizen's coat, long coat; I can not say positively it was an overcoat; the dishes were in one of the outside pockets.

Q. What was the size of the milk pitcher ? A. Small pitcher, would hold perhaps half a pint.

Q. The size of the sugar bowl ? A. That was larger.

Q. Ordinary size cup and saucer ? A. Yes, sir.

Q. All in one pocket ? A. All in one pocket.

Q. Do you know an inmate named Joseph Thomas, consecutive number 3677 ? A. Yes, sir; I know a Thomas.

Q. Do you remember being present at one time in the bath-room when he was punished ? A. Yes, sir.

Q. Did he resist ? A. I think he did; yes, sir.

Q. Did you at that time kick him ? A. I don't remember.

Q. Did you ever, at any one time, kick him five times in the stomach ? A. No, sir.

Q. Anyone else in your presence ? A. No, sir.

By Mr. Litchfield:

Q. Did you ever kick him in the stomach at all ? A. I don't know; the only time in this rough scramble.

Q. You may have done so in the scrimmage ? A. Yes, sir.

By Judge Gilbert.

Q. Did Mr. Brockway ever kick him in the bath-room ? A. I never saw him.

Q. Did he ever knock him down with a strap or in any other way ? A. I never saw him.

Q. Was he punished several times in the bath-room? A. I remember one occasion.

Q. Did he, on one or more occasions, resist? A. Not that I know of.

Q. Do you remember of his ever resisting upon any occasion? A. Only one occasion I remember.

Q. Where was that? A. In the bath-room.

Q. Who was present? A. Mr. Brockway and myself; I couldn't say for the other officers.

Q. Did he carry his resistance to that extent that he was thrown upon the floor in any way? A. I think he did.

Q. While upon the floor was he kicked? A. Not that I remember.

Q. Were you at that time trying to compel him to stand up and receive the punishment? A. I don't remember.

Q. Do you know why it was he was thrown upon the floor? A. No, sir.

Q. Can't give any of the particulars? A. No, sir.

Q. You know he was thrown upon the floor? A. I don't remember that he was; I think he was.

Q. You can't remember any of the circumstances or particulars? A. No, sir.

Q. Can you say whether he was kicked once or more? A. I can not say he was kicked by any one.

Q. Can you say that he was not kicked by anyone? A. I can not say that; I was in the bath-room at that time; he was not kicked by anyone.

Q. You say at one time he did resist and was thrown down? A. Yes.

Q. Where was that? A. In the bath-room.

Q. Upon that occasion can you say he was not kicked by anyone? A. Yes, sir.

Q. He was not? A. Yes, sir.

Q. Do you say there was never any occasion when this man, Thomas, was kicked in the bath-room? A. I never saw him kicked in the bath-room.

Q. Will you say there was never any occasion when he was kicked in the bath-room and you were present? A. Never any occasion; never kicked there when I was present.

Q. Give the circumstances under which he was thrown upon the floor? A. I can't remember; I think when he was upset on the floor the same as these other cases that I have cited.

Q. Tell what occurred at that time? A. I have an indistinct recollection he was thrown on the floor.

Q. What do you now recollect distinctly did occur with reference to that man upon that particular occasion, if anything? A. I recollect that the man was spanked, and that he turned around, and I think he was thrown on the floor; I can not swear positive.

Q. By whom? A. By myself.

Q. Can't you tell what occurred after he was thrown upon the floor? A. No, sir.

Q. Will you say positively you didn't kick him? A. Yes, sir

Q. Why did you throw him on the floor? A. I don't say positively I threw him on the floor; I think I did.

Q. That is all you can say about it? A. Yes, sir.

Mr. Babcock.— The conduct record of Joseph Thomas shows that he had, when he came into the institution a scar on the left side of the chin and two scars over the left ear.

Q. In this case of Thomas was there any more force used than what was necessary in order to compel him to obey the orders that were given him at the time? A. No, sir.

Q. A moment ago you said that you couldn't remember the particulars; it was your impression that he was thrown upon the floor; you think you threw him upon the floor? A. Yes.

Q. You can't remember the particulars? A. No, sir.

Q. If you can't remember the particulars how can you say there wasn't any more force used at the time than was necessary in order to subdue? A. Because there was never a case —

Q. (Interrupting.) Your answer to that is you never, upon any occasion, used any more force than it was necessary in order to subdue the inmates? A. Never.

Q. According to your view of it? A. Certainly.

By Mr. Litchfield:

Q. Do you remember this man very well? A. I do since I see his picture.

Q. How big a man is he? A. I should think he would weigh 165; square built fellow.

By Judge Gilbert:

Q. Do you remember a man named Hugh Lavery, No. 3082? A. Yes.

Q. (Presenting same.) From the picture shown you? A. Yes.

Q. Seeing his photograph you identify the man and remember him? A. Yes, sir.

Q. Was he, at any time, punished in the bath-room? A. I don't know.

Q. Was he ever, at any time, in your presence in the bath-room, or any other place, knocked down by the superintendent, or have his teeth knocked out by the superintendent? A. Never.

Q. Did you ever, at any time or place, see the superintendent strike him with his fist? A. Never.

Q. Or with the handle of the strap or paddle? A. I have seen him strike him with the paddle in the bath-room; but I don't remember him.

Q. Do you remember that you saw him punished in the bath-room? A. I can't remember it.

Q. All you can say with reference to the other question is whether he had been struck by the superintendent with the handle of the strap across the face is that you don't remember? A. Yes, sir.

Q. If he had been struck by the superintendent with the handle of the strap across the face, wouldn t you have remembered it? A. I might.

Q. Was it of so frequent an occurrence, the superintendent striking an inmate across the face with the handle of the paddle, that if it occurred you would not remember it? A. No, sir.

Q. Why is it you don't remember that it did not occur in your presence? A. It has been such a long period eight or ten years, and there have been a great number of cases and that sort of thing; it was impossible for me to remember it.

Q. Do you mean to say there were a great many cases? A. Quite a number of cases of spanking.

Q. Not a great number of cases where they were struck by the superintendent in any other place except with the strap across the buttock? A. No, sir.

Q. Was this man, at any time, struck by the superintendent in the mouth or across the face so as to knock out a tooth? A. I don't remember the man being struck at all.

By Mr. Litchfield:

Q. I understood you to say you don't remember his being punished? A. I don't remember his being punished.

By Judge Gilbert:

Q. Don't you remember one occasion when he was in the bath-room, and he resisted and you became somewhat excited and you used some pretty emphatic language toward him? A. I can't remember that occasion.

Q. Did you ever upon any occasion say to this man while in the bath-room, "You are nothing but a God damn house of refuge bastard?" A. I have never said it.

Q. Never used any such language? A. Never.

Q. During the time that you were principal keeper was there any more than one strap used? A. Yes, sir.

Q. How many different straps? A. I think there were two I used at the same time.

Q. Upon different occasions? A. Yes.

Q. Describe the straps? A. The first strap I ever saw was about eight inches long and the handle five or six inches long, and the strap was two inches and and a half wide; plain, leather strap.

Q. Was the handle to one of the straps you refer to broken? A. I think it was some time.

Q. There was another strap that the handle was intact; not broken? A. The strap was put away and afterwards another strap was made to take the place of it.

Q. Those are the only two straps you ever saw? A. Yes, sir.

By Mr. Litchfield:

Q. How did that handle become broken? A. I don't know.

We will consider the photographs as part of the records.

Oscar Hoppe, recalled:

Q. Do you identify these photographs that you have as photographs of those persons? A. Yes, sir.

Irving Winnie, recalled:

Q. Did you ever, at any time, see a strap that didn't have a wooden handle to it, but was made of thick leather, and the edges of the leather at one end were trimmed or cut so as to form sort of a handle to a strap? A. Never.

Q. Never saw anything of that kind? A. No, sir.

Q. Did you ever see a piece of rubber hose used in place of a strap? A. Yes, sir.

Q. About how long was that? A. Only a few times.

Q. About how long was it? A. It would be about twenty-four inches.

Q. About what is its diameter? A. About an inch or inch and a quarter.

Q. For what was it ordinarily used? A. I can not say; I think it was used down in the bath-room, to carry water from one tub to the other.

Q. Was it used for that purpose about the same time it was used as a strap? A. I don't remember about that; it was only used two or three times.

Q. It was not filled with water? A. No, sir.

Q. Dipped in water before it was used? A. Never saw it dipped in water.

Q. Was punishment inflicted by that more severe than the punishment inflicted by the ordinary strap? A. I don't think it would be any more severe; of course, I don't know.

By Mr. Litchfield:

Q. Was it applied over the head the same as the strap was? A. I never saw anyone struck over the head with the hose.

By Judge Gilbert.

Q. When was that hose used the last time, so far as you recollect, as an instrument of punishment? A. I don't remember; it was several years ago; I should judge it was six years ago from now.

Q. Can you be any more definite with reference to the time when that rubber house was used? A. No, sir.

Q. Do you know there was more than one piece of rubber hose that was used for the purpose of punishing the inmates? A. Never but one piece while I was there.

Q. Do you know how many times it was used? A. I should say eight or ten or twelve times; something like that as far as I know.

Q. Why was that used instead of the strap? A. This strap was mislaid, or something about it; I have forgotten what it was.

Q. The strap was usually used? A. Yes, sir.

Q. When it was mislaid or something of that kind? A. Or handle broken.

Q. Wasn't this piece of hose mainly used between the time when the handle to the old strap was broken and the time when the new strap was made? A. I don't remember about it.

Q. Do you remember when it was the handle to the old strap was broken? A. No, sir.

Q. Was it broken after you became connected with the reformatory? A. Oh, yes; it was broken after I came.

Q. Did you know an inmate by the name of William D. Tenny, consecutive No. 3794? A. I remember a Tenny.

Q. Do you remember of his being taken to the bath-room to be punished? A. Yes, sir.

Q. He was punished? A. Yes, sir.

Q. While there did you strike him in the face with your fist? A. I don't remember.

Q. Did you at any other place in the reformatory? A. I can not remember of ever striking him.

Q. Did you strike him at one time because he failed to perform his task? A. No, sir.

Q. Sure? A. Sure.

Q. You claim that his statement to that effect is not true? A. Yes, sir.

Q. Did you, at any time, use towards this prisoner, or any other inmate, profane language? A. I may have done so.

Q. Did you, with reference to this man, Tenny? A. I don't remember of it.

Q. What do you mean by saying you may have done so? A. There are times that I used profane language, but I habitually don't mean to.

Q. What occasions are those? A. I can't state the occasions.

Q. Do you mean to say sometimes in handling the prisoners you become excited? A. No, sir; I don't mean to say that.

Q. Or you thought it was proper to use emphatic, expressive language? A. I swear sometimes, I use profane language; I slipped off the sidewalk this morning.

Q. Did you ever hear the superintendent use profane language toward this man Tenny or any other inmate? A. I have heard him say "damn it."

Q. Anything more than that? A. That is the most I ever heard him say.

Mr. Babcock.— This Tenny swore he was spanked oftener than once a month while at the reformatory; his conduct record shows he was spanked twelve times in two years.

Q. Do you recollect an inmate by the name of John McCormick, consecutive number 3902? A. I don't remember him; I remember McCormick, but I don't know whether it was John.

Q. Do you remember his being punished in the bath-room? A. I remember him.

(Question repeated.) A. No, sir.

Q. Can you say whether he received severe punishment there or not? A. No, sir.

Q. You can't say whether he received severe punishment there or not? A. No, sir.

Q. Do you now recollect an inmate named Daniel Miller, consecutive number 4031? A. I don't recall him.

Q. (Showing photograph to witness.) A. I remember him, but not very distinctly.

Q. Do you remember his being taken to the bath-room and punished? A. No, sir.

Q. Do you remember an occasion when he was in the bath-room and was struck over the face or head with the paddle? A. No, sir.

Q. And that a tooth was knocked out by the blow? A. I don't remember it at all.

Q. Did you strike this man Miller at any time in the bath-room or anywhere else, and knock out one of his teeth? A. Never knocked out a tooth.

Q. Did you ever strike an inmate in the face with the fist? A. I think I have struck them in the face.

Q. When you were in the bath-room? A. In the bath-room and in the shops.

Q. Upon those occasions when, as you claim, they were resisting? A. Yes, sir.

Mr. Babcock.—I want to read from the conduct record of John McCormick, which showed when he entered the institution he had a scar on the left knee-cap, scar top of the head, scar left side of the head, scar back of head and small scar between the eyebrows.

Q. Do you remember an inmate named Samuel Potter, consecutive number 4047? A. I remember a colored man named Potter.

Q. Do you remember his being chained in the solitary on one occasion? A. Yes, sir.

Q. What was he placed in the solitary for? A. I think he had some trouble with me.

Q. Don't you remember? A. I remember that I had some trouble with him.

Q. For that was he put in the solitary? A. Yes, sir.

Q. What was the trouble between you and him? A. He was going to assault me, so he claimed.

Q. How? A. He had a hammer, and sandbag and knife.

Q. Where were you? A. I was in the yard at this time.

Q. What was he doing? A. He was marching through the lines; marching through the yard in the lines.

Q. What was he doing marching in the lines armed with a hammer and sand-bag? A. He had the hammer in his hip-pocket, and the sand-bag was in his arm; I can explain it to you.

Q. Do so? A. Prior to this morning I would receive every morning an anonymous note stating the next time I came into the umbrella shop this darkey and a Hebrew named Goldstein, or some such name, was going to do me up, and I would go out to the shop and go around and stand around there, and all that sort of thing, to see what they were going to do, and every morning I would get another note for someone else: "Look out for those men;" I paid no attention to those notes, but one morning standing in the yard I saw this darkey and his partner side by side, when they ought to have been in different companies, and I saw the outline of something in this man's pocket; and these notes had told me this fellow had a hammer and sand-bag, and was going to walk up behind me in the shop and knock me down; and

I called them both out of line at the corner of the shop door, and when I called them out the darkey squared himself right away: "What do you want, anyway?" and the Jew done the same thing; and I struck the Jew and knocked him down, got hold of the darkey and jerked him in the shop, to get away from the men marching out all the time; he kept reaching for his pocket; I didn't know what he had there, and caught his hand; and I threw him on the floor and subdued him, and found it was a hammer he had in his pocket; afterwards we found the sand-bag up in his room; after it was all over with he was locked up in the solitary, and he told me the only reason he wanted to do anything of that sort was to have the honor of knocking out the principal keeper; be a tough man; told me so; I had never spoken to the man over once or twice before that.

Q. After that was he punished? A. He was punished.

Q. Were you present? A. Yes, sir.

Q. Did the superintendent hit him over the head with the strap? A. No, sir.

Q. Were you ever present upon any occasion when he was struck over the head with the strap? A. Never.

Q. You subdued both of these fellows at that time, Goldstein and this man Potter? A. I think I subdued them both; had a pretty hard time subduing the darkey; got away with the other man all right.

Q. You did subdue him? A. There was another man came in there and I pushed him off, and the darkey kept throwing around; I finally subdued him.

Q. The third one mixed in against you? A. No; the third man came up just as I was going to upset this man.

Q. Is Rosenstein and Goldstein the same person? A. Goldstein was the man that was with this Potter.

Q. Two pretty strong, powerful fellows? A. No; the darkey was a short, chubby fellow, but quite sturdy.

Q. How tall? A. I don't think he was over five feet, four.

Q. What heft? A. Perhaps 130 pounds.

Q. The other fellow? A. The other fellow was smaller yet; I didn't care so much about the two men as I did about the knife and sand-bag.

Q. The reason why I asked this was that if you could handle those two fellows, inmates, without any weapons yourself, and they armed in the manner you say, do you think there was any necessity for two or three officers throwing an inmate down and kicking him and striking him, and so on, in order to subdue him in the bath-room? A. You understand it isn't the question of the number of officers in the bath-room; it is the number of getting hold of the man before he does any mischief.

Q. I merely want to know what your opinion was? A. I would just as leave be alone as have twenty men, if a man reached in his pocket or made a pass; he will do it instantly, and you have got to catch him the very moment he starts.

Q. Do you know how many times Potter was punished in the bath-room? A. I don't know how many times.

Q. Did Potter, at any time, resist the officer in the bath-room? A. No, sir.

Q. What is your best impression as to the number of times that Potter was punished when you were present? A. Only that once.

By Mr. Litchfield:

Q. Who was in the bath-room usually with you when those men were punished? A. McNish, Sample or McLaughlin.

Q. Anybody else? A. Different times other officers; never over two or three there; sometimes the hall keeper; it was his place to be there, and if he was away no one would take his place.

Q. Was the physician ever present? A. No, sir.

Q. Anybody else excepting those officers that you have mentioned? A. There may have been other officers when these officers I have mentioned were absent; those are the principal officers customary to be there.

By Judge Gilbert:

Q. Are you positive you were never present but upon one occasion when Potter was punished? A. I remember only one occasion.

Q. You will not say but what the record is correct which shows that he was paddled nine times? A. He was here when I went away; I used to go to that man every day most in the foundry and trade schools after this happened, to keep him out of trouble; he was very quarrelsome, and I think stuttered a little; I only remember that one time.

By Mr. Babcock:

Q. Judge Gilbert speaks of occasions when there has been kicking, more or less of it, and striking outside of the use of the strap in the bath-room; I want to know from you if ever force of that character was used there unless it was necessary to subdue the person? A. No, sir; never struck a man in the bath-room, or anything of that sort unless I thought the man was going to resist or did resist.

Q. You deemed it absolutely necessary to use such force as was applied? A. Yes, sir.

Q. Did you ever see the superintendent use any more force than was necessary? A. Never; more times when I thought he ought to have done much more than he did.

Mr. Babcock.— The record of this man Potter I want to put in evidence.

The following is a copy of the same:

4047, Samuel Potter, received May 21, 1890; grand larceny, first degree; maximum ten years; age 17 years.

Prisoner was once arrested for disorderly conduct; station-house, one night and then let go.

October 31, 1890, Potter tells the superintendent that he was in the New York Juvenile asylum two years; Monroe County Penitentiary, six months; name Chas. Jones; on Blackwell's island, three terms; three months each for petit larceny; name Chas. Jones, in workhouse, six months; name James Smith, again one month; name Sam Smith; on Hart's island, one month; name Samuel Smith.

Sept. 15, 1890, reduced to new second grade.

Feb. 1, 1891, restored to lower first grade.

July 1, 1891, reduced to new second grade.

June 9, 1892, transferred to Auburn State prison.

Offenses Here.

8, 1890, denial.

9, 1890, denial (6 off); talking at examination.

10, 1890, denial, insolence, lying, vulgar language, creating a disturbance.

11, 1890, having a large hammer in possession; conspiracy in attempted assault on principal keeper.

6, 1891, assisting citizen officer to unload truck.

7, 1891, malingering.

11, 1891, lying.

12, 1891, improper reply; disturbing hall.

1, 1892, striking another inmate.

2, 1892, disobedience.

3, 1892, disobedience.

4, 1892, threatening instructor.

Many second-class offenses.

| Written notices. | Admonitions. | No 4's. |
|---|---|---|
| 1, 8, 1890 | 22, 9, 1890 | 4, 10, 1890 (C) |
| 1, 9, 1890 | 1, 2, 1892 | 15, 10, 1890 (F) |
| 18, 9, 1890 | | 20, 10, 1890 (L) |
| 1, 5, 1891 | | 31, 10, 1890 (L) |
| 1, 6, 1891 | | 10, 11, 1890 (L) |
| 26, 9, 1891 | | 5, 4, 1892 (L) |
| 9, 10, 1891 | | 5, 4, 1892 (L) |
| 12, 11, 1891 | | |
| 30, 3, 1892 | | |

Seclusion, from November 6 to November 8, 1890.
Rest cure, from November 10 to December 28, 1890.

By Mr. Litchfield:

Q. Were these men ever examined by the physician immediately before or immediately after the punishment? A. Not that I know of.

By Judge Gilbert:

Q. Do you mean to say that blows over the head that you have referred to were given because the inmate resisted? A. Always resisted or refused to stand in the position he was told to stand.

By Mr. Litchfield:

Q. They were given if a man refused to obey orders? A. Yes.
Q. Not necessarily in case of mutiny, but if he refused to obey orders? (No answer.)

By Judge Gilbert.

Q. They were given not because of anything he had done before he was taken to the bath-room? A. No, sir.
Q. Not because of anything he did in the bath-room, except he failed to obey orders in looking in a particular direction or particular point? A. Yes, sir.
Q. You say those blows were necessary? A. I haven't said; I think it was necessary.
Q It was necessary in order to keep him looking at that particular point; why was there any necessity in his being compelled to look at that point? A. I think it was necessary to give him those blows, to impress him; he would throw himself or jump back and he would get struck around the face.
Q. In your view that was necessary? A. You can put it that way.
Q. Isn't it true upon different occasions that you said yourself to Mr. Brockway, while he was administering the punishment, that he had given the inmate enough, and that he had better stop? A. Never said it.
Q. At different times the inmates would cry out with pain when the blows were struck? A. I have heard them cry out with pain.
Q. Cry? A. Yes, sir.
Q. Beg? A. Yes, sir.
Q. And in doing that would turn their heads? A. Yes, sir
Q. And then, because they turned their heads, receive blows over the heads? A. Yes, sir.

Q. Do you say that was necessary? A. I think it was necessary to strike the blow over the head to have the man stand up there, impress him.

By Mr. Babcock:

Q. These blows over the head, how do you characterize them; what kind of blows were they? A. Sometiines when the man would turn his head Mr. Brockway would be spanking him; the man would keep turning his head toward him, jumping back from the wall, and he would take the strap and strike him over the face, over the head, like that.

Q. What kind of a blow would it be, a hard blow? A. I have seen him strike quite a hard blow.

Q. Usually? A. Sometimes he would throw the strap around like that; sometimes he would strike a little harder.

Q. With a suggestion to the person to turn his face from him? A. Yes.

Q. Did you ever see, in your experience as principal keeper here, an over-punished person in the bath-room? A. Not in my judgment; never.

By Mr. Litchfield:

Q. You have seen him hit blows hard enough to produce black eyes? A. Yes, sir.

Q. And abrasions of the skin? A. I have seen one or two occasions where there was a little abrasion of the skin.

By Judge Gilbert:

Q. Can you give any reason why, in order to remind the prisoner he should obey the command to look in a particular direction, why the blow should be given over the head, across the eyes, across the mouth, instead of some other portion of the body? A. The only explanation I can give is the blow over the face would bring him to time, so to speak, quicker than over his posterior.

Q. Because it would be likely to be more painful? A. I think it would be more painful.

By Mr. Litchfield:

Q. In your judgment, would hitting a man across the mouth be strong enough to loosen a tooth? A. I don't think it would; the way the man stands.

Q. Suppose it was used with considerable violence, could it produce such an effect, could it loosen a tooth if a man's face was turned toward the paddle? A. I don't know.

Q. The blow from the handle of the paddle could loosen a tooth? A. Yes, sir; certainly.

Q. Have you ever seen men suspended during the punishment by the manacles and cord from the bar? A. Yes, sir.

Q. Ever seen them raised clean from their feet? A. Yes, sir.

Q. Often? A. Not very often; no, sir.

Q. You have seen it several times? A. Several times. . . .

Q. How long were they suspended in that way? A. A few seconds.

Q. That was not during the entire spanking? A. No, sir.

Q. A portion of it? A. Very small portion of it.

Q. Hasn't that the effect of reducing a man to submission very suddenly? A. It helps.

Q Is it not a severe punishment? A. I should think it would be to suspend a man very long.

Q. How long should you say? A. Two or three seconds.

By Judge Gilbert:

Q Did you ever see a man faint that was undergoing this punishment? A. Never.

Q. Or fall to the floor exhausted? A. I have seen them fall to the floor; pretend to fall down.

Q. Claim to be exhausted? A. I don't know about that; fall down; they would get up of their own accord.

Q. Upon some occasions were they not helped out? A. Took hold of them.

Q. On some occasions were they not struck by the paddle and kicked to make him get up? A. I never saw a man kicked to make him get up.

Q. Do you say an inmate never was kicked to make him get up? A. A man was never kicked to make him get up.

Q. While he was being punished do you mean to say there never was any occasion when the inmate fell to the floor, or claimed to be exhausted, and that he was kicked and compelled to stand up? A. No, sir; never was such an occasion.

Q. Do you mean to say in those cases where you believe a man was pretending, faking, that he wasn't kicked or struck? A. When he fell down that way they would catch hold of him and help him up, and tell him to get up.

Q. Do you know what caused him to fall? A. No, sir.

By Mr. Litchfield:

Q. Was it not the severity of the blows from the strap that made them fall down? A. The strap would not make them fall.

Q. Would a young boy, the first time he had suffered that punishment, would he not be apt to drop to the floor in his efforts to avoid it? A. Sometimes he would throw himself down.

Q. Have you ever seen a patient void his intestines during or after the punishment? A. No, sir.

Q. Or his bladder? A. No, sir.

By Judge Gilbert.

Q. Have you ever seen a case where an inmate being punished had a passage of the bowels or urinated? A. Yes, sir.

Q. On different occasions? A. Yes, sir.

By Mr. Litchfield:

Q. Why did that occur? A. I can not explain why it occurred; my impression of it was the man done that sort of thing just to be disagreeable.

By Mr. Babcock:

Q. Did it sometimes before they were struck at all? A. Yes, sir.

By Mr. Litchfield:

Q. Would that not occur if a man was very badly frightened? A. I presume there are men that would be frightened that way.

Q. You have heard the vulgar impression to frighten a man so he would? A. Yes, sir.

Q. Did it occur usually before or after the whipping? A. The few times I have seen it was before and after and at the time; no particular occasion for it to happen.

By Judge Gilbert.

Q. Do you know a man named Michael Coyne, consecutive No. 4024? A. I remember a Coyne.

Q. Do you remember what the condition of his eyes was when he entered the reformatory? A. All the time that he was here his eyes were inflamed.

Q. When he first came were they inflamed? A. Yes, sir.

Q. And continued so during the entire time he was here? A. While I was here?

Q. Was he discharged before you went away? A. I don't remember.

Q. Were his eyes treated while he was here by the physician? A. I don't know.

Judge Gilbert.— They desire his biographical record.

Mr. Hoppe.— There is nothing in the biographical record relating to his eyes.

Q. Do you remember an inmate named Robert Harrington, consecutive number 4074? A. I don't remember him; I remember the face.

Q. Do you remember of that man being punished in the reformatory in your presence? A. No, sir.

Q. Don't remember of his ever being punished? A. No, sir.

Q. Will you say that at one time he was punished until he became unconscious? A. I don't remember his being punished at all.

Q. Was any man ever punished there to that extent that he became unconscious? A. I don't remember his being punished carry him out and put him in his cell? A. No, sir.

Q. Did any thing of that kind ever occur? A. No, sir; not in my presence.

Q. Did ever an inmate while in the bath-room become unconscious, and while in that condition was he carried by the attendants to his room? A. No, sir.

Q. Was there ever an occasion when an inmate was carried or taken out of the bath-room while his head was bleeding, where he had been struck? A. I think there was one case where a man was walked out of the bath-room where his head was bleeding; I don't remember the man's name.

Q. Do you remember when it was? A. No, sir.

Q. Do you remember how he came to receive the bruise? A. I don't remember anything about it.

Q. Do you know who was present at the time in the bath-room? A. No, sir; I have an indistinct recollection there was one man.

Mr. Babcock.— The conduct record shows he was spanked four times only.

Q. Do you remember an inmate named Jacob Lipman, consecutive No. 4249? A. I don't remember him.

Q. Do you remember his being punished in your presence? A. No, sir.

Q. Do you remember this man Lipman? A. Yes; I remember the man.

Q. Do you remember enough about him to be able to say whether he ever at any time had a black eye, or black and blue eye caused by punishment? A. I couldn't say any thing about it; I don't remember anything about it.

Mr. Babcock.— The record shows this man Lipman was spanked five times.

Q. Do you remember an inmate named William Clark, consecutive No. 4290? A. I remember a Clark.

Q. Do you remember of his being punished? A. I don't remember it.

Q. Don't you remember upon one occasion when you had him in the bath-room he resisted the officers? A. No, sir.

Q. And it was necessary for you to throw him down? A. I don't remember it at all.

Q. And that you and Sample kicked him while in the bath-room? A. I don't remember it.

Q. Did it occur? A. Not in my presence that I can remember.

Q. What I want to know is this; do you recollect this man distinctly enough so you are able to say what occurred in the bath-room in reference to him? A. I can not remember anything about it; I just remember a man Clark; I remember the man.

Q. Can't you state whether you did or did not kick that man? A. No; I can't state that I did or did not; I can state as I have two or three times, if a man resisted in the scrimmage he may have been kicked or struck; I don't remember anything about that man.

Q. Don't remember as he ever resisted? A. No, sir.

Q. If he did resist you may have kicked him? A. Yes, sir.

Q. For the purpose as you have stated to subdue him? A. Yes, sir.

Q. Or in self defense; do you remember this man being confined in the solitary? A. No, sir.

Q. Haven't you any recollection of that? A. Have no recollection of him at all.

Q. Wasn't he confined in the solitary at one time about eighteen days; chained by both hands; at the ring in the corner of the room? A. Can't remember.

Q. Do you mean to say that the confinement of inmates in the solitary; chained down in the corner by both hands, was of such common occurrence that you can't now recollect an instance of that kind? A. Never saw an inmate chained down with both hands.

Q. Was this man Clark, at any time, ever chained down in the solitary for a period of eighteen days continuously? A. Not that I know of.

Q. You say positively he was never chained by both hands to a ring in the corner? A. When I was around.

Q. During the time you were here? A. Yes, sir; during the time I was in charge.

By Mr. Litchfield:

Q. You do not say such a thing may not have happened? A. I can not say what may have happened when I was not around.

By Judge Gilbert:

Q. Do you know anything about the manner in which these prisoners confined in the solitaries were taken care of were fed; what provision was made for them? A. Yes, sir.

Q. How were they usually fed? A. By the hall keeper; took down rations; different rations.

Q. What were their usual rations? A. Bread and water; bread and hash, and that sort of thing.

Q. I mean those that were confined in the solitaries? A. Yes.

By Mr. Litchfield:

Q. As regards this particular man, you don't remember anything about him, one way or the other about him? A. No.

By Judge Gilbert:

Q. While you were in supervision, or holding the position of principal keeper, could a man, an inmate, have been confined in one of the solitary cells, chained by both hands to a ring in the corner, in such a manner that he couldn't sit up or stand up for a period of eighteen days continuously, without your knowing it? A. No, sir.

Q. Now, what have you to say as to whether that ever did occur during the time you were holding that position? A. I say I can not remember that case.

Q. I go beyond that; I want to know if any such case ever occurred to any prisoner? A. I don't know of any such case.

Q. What I want to know is this; were you so careless and negligent with reference to the performance of your official duties that such a case as that could have occurred and you not know it? A. I don't see how it could.

Q. Then what is your answer now to the question whether it did or did not occur? A. I am sure it did not occur, but I can't say positively; I might have been away at that time on my vacation; as I stated to you, I visited the solitary four or five times a week, and if anything of that sort happened I would have known about it; I put the irons on them myself, as a rule, and all that sort of thing.

By Mr. Litchfield:

Q. It was customary to chain them down by one hand? A. Yes, sir.

Q. Were they ever kept there as long as eighteen days? A. Not that I know of.

Q. What is the longest time you can remember they were kept there chained by one hand? A. I should say six or seven days; not over ten days at the most.

By Judge Gilbert:

Q. While chained with one hand to that ring in the corner could they sit up? A. Yes, sir.

Q. Could they stand up? A. Not upright; stand up about that high.

Q. About how many days was the longest time you have ever known a prisoner to be confined in that way, one hand continuously in the solitary? A. Not over ten days.

By Mr. Litchfield:

Q. That ring in the floor is close to the floor? A. Yes, sir.

Q. In the floor itself? A. Yes, sir.

Q. A man was fastened to that by one of the ordinary handcuffs? A. Yes, sir; sometimes; and sometimes to the sliding bar.

Q. If he was fastened to the ring itself he was fastened by the handcuff; that is only a few inches from one cuff to the other? A. Yes, sir.

Q. His hand would be within half a foot of the floor? A. Perhaps so.

Q. When he stood upright he couldn't lift his hand more than six inches? A. No; if he was chained to the ring; most cases he was chained to that sliding ring.

Q. That does not seem to be the habit of late years? A. I know nothing about that.

Q. Were those dark shutters ever closed when the men were shut up in the solitaries? A. Never; sometimes the shutters are cut in two in the middle; the lower shutters have been closed, but it was the standing rule they never should be all closed.

Q. That may have occurred by misadventure sometimes? A. I never found them that way; I always found them open.

By Judge Gilbert:

Q. I am requested to ask in this connection, rather in explanation of what you testified to before, when speaking about the force that was used in order to subdue or bring an inmate under subjection, and in speaking of that, and when you testify in reference to kicking them, do you mean by that you did anything more than simply to trip up the inmate, to throw him? A. That was the principal thing; yes, sir.

Q. That is what you call kicking ? A. Yes, sir.

Q. Was there anything else, any other object that you had in fact ? A. Never had any object in upsetting a man, or kicking him, or striking him, only to subdue him, and the very moment he was subdued, stopped.

Q. Whether you did anything else upon any occasion, whether the inmate was down or whether he was standing up, deliberately for the purpose of injuring, wounding or bringing the inmate into subjection, subduing him, deliberately kicked him ? A. Never.

Q. What you claim or mean to say is that whenever you made a move towards him with your foot it was for the purpose of tripping him or throwing him, or getting him down, where you could handle him ? A. Yes.

Q. That is what you mean by kicking ? A. Yes, sir.

Q. I am requested, on the other side, to ask you what you mean when you say that you never kicked him except in self-defense? A. I never kicked a man only when we would have that scrimmage, or something of that sort.

Q. You remember you stated that when you would have these tussels that you would strike, and hit, and kick the inmate wherever you could ? A. I stated something of that sort.

Q. But you did that in self-defense ? A. Yes, sir; I done it to subdue the man; that is the idea; self-defense, to subdue the man in the different cases.

By Mr. Litchfield:

Q. I understood you to say that during the scrimmage you hit him anywhere you could get at him ? A. Yes, sir.

Q. You did so with the hand or foot ? A. No; slapped him more than I would use my foot.

Q. Didn't you use the business end of your boot to subdue him ? A. I kicked, and that sort of thing, to upset him; that would be the proper thing.

Q. You would kick his leg wherever you could get at him to upset him, and knock his foot from under him ? A. Yes, sir.

By Judge Gilbert:

Q. Do you remember an inmate named Joseph Stephen Ryan, consecutive number 4336 ? A. I remember his face; yes, sir.

Q Did you ever strike that man in the face, giving him a black and blue eye ? A. No, sir.

Q. Upon any occasion ? A. No, sir.

Q. Either in the bathroom or anywhere else? A. No, sir.

Q. Were you ever in the bath-room at the time when he was punished ? A. I don't remember.

Q. Do you remember ever having any collision with him in the bath-room ? A. No, sir.

Q. It is suggested, with reference to asking you whether you ever struck this man in the face at any time ? A. I don't think I ever did; I am sure I never did.

Q. You are quite positive you never did ? A. Yes, sir.

Q. Did you know a man named Samuel Gross, consecutive number 4346 ? A. I don't remember him.

Q. Don't you remember a man that claimed he had a rupture ? A. No, sir; I don't remember him, and don't remember his face.

Q. Have you no recollection of him ? A. No, sir.

Q. Do you recollect of the superintendent ever kicking any inmate while in the bath-room in the testicles ? A. Never kicked him any place.

Q. Never saw him kick an inmate in any place ? A. No, sir.

Q. Did you ever see a man who wore a truss because he had a rupture, punished in the bath-room ? A. I have seen a man wear a truss punished.

Q. While being punished was the truss taken off ? A. No, sir.

Q. It was on him at the time ? A. Yes, sir.

Q. Do you remember the blows that were given were above or below the truss? A. Below.

Q. Where was the truss located? A. On this side.

Q. Above the hip? A. Just around the hip.

By Mr. Litchfield:

Q. Is that the only case of that kind you remember? A. The only case.

By Judge Gilbert:

Q. Do you know than an inmate being punished in the bath-room more than once? A. No, sir.

Q. Know how many blows he received at the time? A. I do not.

Q. Did he say anything to the superintendent with reference to his having a rupture? A. I don't remember.

Q. Do you know of any instance where the superintendent struck an inmate in the face or between the eyes, and for several days after had the nose bleed every day? A. No, sir.

Q. Do you remember any such thing? A. I would remember that if he struck him, because I never saw him strike anyone.

Q. Never saw the superintendent strike anyone in the face with his fist? A. No, sir.

Q. Never saw him strike an inmate with his open hand? A. No, sir.

Q. Or, as you say, in any other way except with the strap? A. With the strap or the hose.

Q. Or the handle of the strap? A. Yes, sir.

Q. An inmate by the name of Albert Merritt, consecutive number 4451? A. I don't remember him.

Q. Do you remember being present in the bath-room when he was punished? A. I remember nothing about him at all.

Q. Remember an inmate named James J. Shortell, consecutive number 4594? A. I remember the face.

Q. Were you present at one time when he was punished in the bath-room? A. I don't remember.

Q. Did you ever, upon any occasion, either in the bath-room or anywhere else, kick this man in the side? A. Not that I know of; I don't remember anything about it.

Q. Is that as strong as you can state it? A. Yes, sir; if he was in the bath-room and we had a scrimmage; outside of that I never kicked him.

Q. Kicked in the sense you have explained by the use of that term? A. Yes, sir.

Q. That is, in short, that if he was taken to the bath-room to be punished and you were presen and he resisted, and it became necessary in order to subdue or in self-defense to kick him, you say you may have kicked him in the side? A. Yes, sir.

Q. Do you remember an inmate named John B. Corey, consecutive number 4848? A. I don't remember Corey.

Q. You state it isn't true that, in February, 1892, as stated by John B. Corey, that you were present in the bath-room when he was punished? A. That is not true.

Q. You were not there them at all? A. No, sir.

Q. You had left the institution before that? A. Yes, sir.

By Mr. Litchfield:

Q. How large a man was Mr. Halpin? A. I think, perhaps, five feet ten and a half.

Q. Was he as heavy a man as you are? A. I don't think so.

Q. As strong a man as you are? A. Strong, athletic man.

Q. McLaughlin, is he a strong athletic man? A. He is not so strong; something of a cripple; part of his foot off.

Q. And McNish? A. McNish is a strong, athletic man, a man that would weigh 175 or 180.

By Mr. Babcock:

Q. Let me ask you a question in respect to the making of brushes in the booths in the old solitary, do you remember? A. Yes, sir.

Q. Will you describe those booths? A. Yes, sir; they were built of oak plank, open at the top, covered with wire screen; there was a place inside of, perhaps, four by six feet; a bench on one side of the botth where the man stood and made the brushes.

Q. Was there any arrangement by means of a hole to fasten the hands? A. No, sir.

Q. Did the arrangement there differ very materially from the arrangement in the workshop? A. Not at all; only the partition is up around.

Q. They were designed for the purpose of separating the men from each other; were they not? A. Yes, sir.

Q. In other respects, they afforded to the inmate working there as much comfort and facility as the workshop? A. Yes, sir.

Q. Did you receive instructions from Mr. Brockway, the general superintendent, in respect to the treatment that should be accorded inmates? A. Yes, sir.

Q. What do you say of those instructions in respect to profanity, or in respect to the treatment and intercourse of the officers with the prisoners? A. I don't understand that.

Q. You did receive instructions of the officers in respect to their treatment of the inmates? A. Yes, sir.

Q. How would you characterize those instructions of the superintendent; what were the instrucions? A. I don't know what instructions you refer to.

Q. Were the officers prohibited from using profane language? A. Yes, sir.

Q. Were there any other instructions given to you in respect to the treatment of prisoners or to officers in respect to the treatment of prisoners? A. We had a book of rules and that sort of thing.

Q. Were the officers prohibited from striking inmates? A. Yes, sir.

Q. Did you, as principal keeper, give instructions of that character to the keepers under you? A. Every officer when he came here.

Q. So that that was a fixed rule of the institution? A. Yes, sir.

Q. What was the superintendent's treatment of the prisoners so far as you observed? A. I think it was humane, kind; as much as any man could treat them.

Q. That was the tone and spirit exhibited by the superintendent during the entire period you were here? A. Always; yes, sir.

Q. Mr. Hare, in New York, testified all the keepers carried big canes when marching the men from the shops and to the shops; is that so? A. No, sir; no officer carried any cane.

Q. At any time? A. Years ago the principal keeper carried a cane; he was the only officer that done so; when I took charge, at the suggestion of Mr. Brockway, I burned it up, and none of us carried any canes after that.

By Judge Gilbert:

Q. While you were here the rules, as you understood it, that were in force, and which you were to refer to as your guide, were the rules which were in this form (showing book)? A. Most of them; I think there were some changes.

Q. There were some changes and some additional rules; were there not? A. New rules.

Q. Do you know the number of rules that there were laid down, which the inmates were required to observe, in this printed manual? A. The cell rules I did know but I forget now.

Q. That the inmates were required to observe? A. No, sir.

Q. The neighborhood of some 236 or 240? A. I couldn't say; I haven't any idea how many there were.

Q. The rules the officers were required to observe were 236 or 240, and the rules which the inmates were required to observe were about 210, as laid down in the printed rules, and you say there were several rules in addition to those that they were required to observe? A. As time would pass other rules would come up.

Q. The inmate's observance or non-observance of these rules was the measure by which his standing was guaged or fixed? A. Yes, sir.

Q. With reference to the punishments that were inflicted, do you know that any one of the board of management were ever present at the time when those punishments were inflicted? A. Never present.

Q. Do you know that any one of the board of management ever directed the punishment inflicted? A. I don't know.

Q. Do you mean to say you never, upon any occasion, placed a man in the solitary and chained him and left him there without informing the superintendent? A. Always informed the superintendent, but not the board of managers.

Q. Would you also inform him of the reason why the inmate was confined? A. Yes, sir.

Q. After that did you consider that your duties, so far as that inmate was concerned, had terminated? A. I know I had a sort of general supervision over him; in the first place, as a rule, I

wouldn't put a man in the solitary without an order from the superintendent to do so; it would be a rare exception; I would bring the man in to the floor, or lock him in a room or block, and I would consult the general superintendent, and if he would order a man locked up there I would take him down and lock him up.

Q. While you were acting as principal keeper how often did the board of managers, as a board, go through the reformatory? A. I used to see them around every month or so.

Q. I mean as a board, going through together? A. I know nothing about that.

Q. Did you ever, upon any occasion, see them go through together? A. I have seen them go through together.

Q. In all the various departments of the reformatory? A. I have seen them in different departments; I have never followed them through all.

Q. Do you know how often they visited the part of the reformatory where the solitary cells are? A. No, sir.

By Mr. Litchfield:

Q. When you saw them going through, did you see them going through as a board or simply individuals? A. What do you mean; going through as a board together?

Q. The majority of the board? A. I have seen them go through as a board.

By Judge Gilbert:

Q. How often? A. Usually every month they would come here and we would see them in some part of the institution.

Q. Do you mean by that they were going through the various departments, or some one of the departments beyond the cage, as it is called? A. Yes, sir.

Q. What do you mean with reference to the inmates appearing before the board at their meeting? A. All I know about any inmate had the right —

Q. I want to know whether you know the inmates did appear whenever they wanted to before the board? A. I know they did appear.

Q. The inmate had an opportunity to make any complaint he desired to the board? A. Yes, sir.

Q. With reference to the punishments, do you mean to say that there were occasions when the inmates received punishments in the bath-room which resulted in leaving upon their persons, or upon their faces and heads bruises, indicating the severity of the punishment? A. I have seen cases where men had their faces bruised.

Q. Can you give any idea as to the number of such cases that you saw? A. I could only make an estimate.

Q. What would your estimate be ? A. Twenty or twenty-five in the time I was here.

Mr. Fanning stated he had read the evidence of John B. Corey, and Mr. Winnie's name does not appear as having been present at any punishment of Corey.

Q. Can you give an estimate of about how many punishments were inflicted during the entire time you were here, in your presence in the bath-room, not the number of blows but the number of occasions ? A. I should think it would go about twenty a month.

Q. You were here prior to 1882; do you know about how many corporal punishments were inflicted by the use of a strap prior to June, 1882 ? A. I don't know much about that; I think I was on the wall as a guard or something.

Q. Do you know about what time the inmate monitor system was adopted ? A. I couldn't say when it was adopted; it has been carried on more or less all the time I was here; the last few years; more than the first few years I was here.

Q. It was adopted to a certain extent during the entire time you were here; do you agree with Mr. Brockway that it was more commonly adopted after 1888 ? A. Yes, sir.

Q. I am requested to ask you whether, according to the population of the reformatory, there was not a greater number of paddlings, a greater per cent of the inmates paddled in the last two or three years that you were connected with the reformatory than what there was during the first two or three years ? A. I don't think so.

Q. How many do you say there were paddled during the last year you were here ? A. I think just about the same, about twenty a month.

Q. As I understand it, the paddling usually occurred between 12 and 1 o'clock ? A. After 1 o'clock.

Q. Between 1 and 2 ? A. Yes, sir.

Q. Almost invariably at about the same hour of the day ? A. Yes, sir.

Q. About the average number of blows was about five or six ? A. Yes, sir.

Q. The blows were usually about as severe as could be given with the instrument that was used ? A. Yes, sir.

Q. Can you give any correct estimate in reference to the number of L blows that were inflicted ? A. I have already stated eighteen.

Q. Can you give the number of punishments when twelve blows or more were given ? A. Very few; I don't suppose there was one case in fifty where it would be more than twelve blows.

Q. Can you give the number of cases where the blows made black and blue marks upon the buttocks of the inmates? A. After four, or five, or six spats, there would be black and blue marks.

Q. Invariably what was the effect of the punishment, that is, in subduing the inmate? A. Seemed to be successful every time.

Q. Would he go out laughing and apparently acting as if he enjoyed it? A. Never saw anyone go out laughing.

Q. On the contrary, he regarded it as if it was a pretty serious matter? A. He would go out as if he had a change.

Q. He didn't go out laughing and joking? A. No.

Q. Ever see them go out crying? A. I have seen men cry.

By Mr. Litchfield:

Q. You said the average number of blows struck was six or seven? A. Five or six, I think I said.

Q. Did many of them get as many as twelve blows? A. Not very many.

By Judge Gilbert:

Q. A great many men were marked in for the bath-room, and when in the bath-room were simply admonished or simply threatened, or something of that kind; wasn't that so? A. Yes, sir.

Q. Many of those when they left would leave apparently feeling good to think that they had escaped punishment? A. Yes, sir.

Q. Do you now recollect of any instance when an inmate who had actually been punished went away from the bath-room laughing and apparently as though he had enjoyed it? A. I don't.

Q I am requested to ask you why you left the institution? A. Simply because I was tired of it; worked here twelve years; tired out, and wanted to get away.

Q. Have you, at any time, stated to anyone that you didn't like to witness the punishments that were inflicted? A. I may have made it in a general way; I wouldn't like to see punishment inflicted on anyone.

Q. Haven't you stated that one reason why you gave up your position was that you couldn't bear to see the inmates punished in the manner in which they were? A. Never made that statement.

Q. Have you made any statement of that character? A. No, sir.

Q. Wasn't it true that upon several occasions you did state to those who are present that you thought the punishments were severe? A. Never made that statement.

Q. You never had that thought? A. Never had that feeling or thought.

Q. Then it wasn't true while these punishments were occurring that you hated or disliked to see them? A. No, sir; only in the way I explained..

Q. Only as a general thing you don't like to see any person punished? A. I don't like to see anybody spanked, or anything of that sort as far as that part of it goes.

By Mr. Litchfield:

Q. Do you know the method of subduing prisoners, used by police officers of a law court around the wrist; nippers? A. I know there is such a thing.

Q. You are not acquainted with it? A. No.

By Judge Gilbert:

Q. I am requested to ask if you have ever had any experience yourself in the way of receiving this punishment? A. I have.

Q. In what position did you place yourself? A. Put my hands to the wall the same as the rest.

Q. With reference to your clothing? A. Took down my clothing.

Q. And exposed your bare person? A. Yes, sir.

Q. Who administered the punishment? A. Officer Sample.

Q. Did Mr. Brockway administer it? A. Mr. Brockway did not.

Q. Give me Mr. Sample's height and weight? A. Mr. Sample, I think, is about five feet, ten and a half, weighs perhaps 200 pounds.

Q. About Mr. Brockway's height and size? A. I should judge hardly as tall as Mr. Brockway.

Q. How many blows did you receive? A. I can not say positively; it was either three or five.

Q. With what? A. With the strap.

Q. With Mr. Sample's full strength? A. I suppose so.

Q. What had you been doing? A. I don't know what was the cause of it.

Q. Was it in the bath-room? A. No, sir; in my room.

Q. What strap did they use? A. The same one that was used in the bath-room.

Q. The one with the long handle? A. The last one; yes, sir; the last one when I was here.

Q. What was it soaked in? A. Dipped in water.

Q. Before it was used? A. Yes, sir.

Q. What were you going through the operation for? A. I wanted to find out what the pain and suffering was; in fact, I didn't want to see punishment inflicted on any man without I knew just how it would taste or feel.

Q. When was that? A. I should judge it was four years ago.

Q. Why did it occur to you it was best for you to have that experience? A. I was of a rather inquiring turn of mind; I was interested in the work, and I wanted to find out what the pain was, just as I had done in several other cases of punishment.

Q. That was about the time you left? A. No; I have only been away two years.

Q. This was about two years before you left? A. I think so.

Q. Who was present? A. Mr. Sample.

Q. No one else? A. No.

Q. Did you tell Sample to lay it on full force? A. I says: "If you don't I will give you a double dose."

Q. Did he? A. I was satisfied with it.

Q. When he got up to three or five blows you were satisfied that you had had all the experience you wanted? A. I was satisfied; I discovered what I was after.

Q. Discovered what? A. Discovered the sensation of being spanked.

Q. What was that? A. Not delightful, that is certain.

Q. Wasn't it severely painful? A. I don't think it hurt as much as it did when my mother used to take me across her knee with the slipper; it hurt for the time; two hours after I forgot all about it.

Q. Make any black or blue marks across your back? A. I didn't look; I can't get around there.

Q. When he told you to stand up did he also tell you to look at a certain point? A. I don't think he did.

Q. Tell you to put your hands on a certain point? A. I stated I put my hands to the wall; I put my hands on the corner of the bed-post, and I took hold of that.

Q. Did you look around? A. No; looked straight ahead.

Q. Did you get any blows over the head? A. No.

Q. You don't know what that sensation would be? A. No; thought I would try that later.

Q. You never did try that? A. Never tried that.

Q. When Sample was giving you those blows did you tell him when to stop? A. No, sir.

Q. He gave you as many as you thought you deserved? A. We talked it up before we started in; we understood how many we were to get; either three or five; I stood up there and took them for my turn.

Q. Did Sample also take his share? A. Yes, sir.

Q. It was sort of change work? A. Yes; when he got through with me I buttoned up my pants and had him take his down.

Q. How many blows did you give him? A. Either three or five.

Q. What did he say ? A. Didn't say anything.

Q. Did he say stop ? A. No, sir.

Q. It was agreed beforehand you should not exceed five blows ? A. That is it; I think.

Q. You are not sure but when you got up as far as three you thought you had enough ? A. I didn't say nothing; whether we agreed on three or five I can not say.

Q. Do you mean to say when it became your turn to give the dose to Sample that you struck him with that strap as severe a blow as you could possibly give ? A. Just as hard as I could strike him.

Q. Did he wince ? A. Yes; a little.

Q. In what manner did he show it was painful ? A. Kind of straightened up and stood in the right position again.

Q. Did he turn his head ? A. No.

Q. Did you inform him on the start if he turned his head he would get a blow over the head ? A. No, sir.

Q. You never tried it the second time ? A. I didn't think it was necessary.

Q. You got all the experience you desired ? A. I wanted to find out about that; I have also several other things tried.

Q. What other things ? A. I tried living on bread and water one time, to see how that would affect me.

Q. How long a time ? A. I went a week; I had two pieces; I wanted to train myself down, and I wanted to see how it would affect a man.

Q. What did you want to train yourself down for ? A. I was too fleshy.

Q. Did you ever train as an athlete ? A. No, sir.

Q. At any time ? A. No, sir.

Q. How many rations a day of bread and water did you have ? A I used to take three a day.

Q. Who dealt it out to you ? A. I dealt it out myself.

Q. Took what you wanted ? A. Yes.

Q. Where did you confine yourself ? A. I didn't confine myself; kept right on doing my duty, and went in and sat at the table.

Q. You didn't try the experiment to see what the effect would be to be chained down in the corner of the solitary? A. No.

Q. Did you ever try that confinement? A. No, sir.

Q. Did you try the stringing up to see how that would affect you? A. Never tried that.

By Mr. Litchfield:

Q. Have you ever been desirous of trying the stringing up? A. I never had my attention called to it; I never done enough of it.

By Judge Gilbert:

Q. Was there ever any occasion when blood was upon the floor of the bath-room or upon the walls of the bath-room, left there by the inmates that had been punished? A. I have seen blood on the floor in small quantities, when a man would be struck across his nose would bleed.

Q. And blood on the walls; as it ran down his waist it would spatter on the wall a little, the wall on each side where he stood up next to the window? A. Yes, sir.

Q. You never struck a prisoner or saw one struck while standing on that side of the room and opposite to the window? A. I never struck one unless —

Q. You never saw one struck while standing up and receiving his punishment; that is, with the strap; as I understand from your statements, so long as a prisoner would stand up in the place where he was required to stand, and look in the direction he was required to look, he was never struck with anything else except the strap? A. That is true.

Q. I understand you to say that the blood which you observed upon the wall was upon that side of the room? A. It was on the same side of the room.

Q. And that blood flowed from the nose of the inmate that had been struck? A. Yes, sir.

Q. You mean struck with the paddle? A. Yes, sir.

Q. So that some inmate or some of the inmates were struck over the head with the strap with such severity that the blood spurted from their noses upon the wall? A. I have seen them struck so when they stand up to the wall, and they would have their head against the side of the wall it would not spurt; just run from the nose.

Q. Did that occur upon more than one occasion? A. There have been several occasions, not many.

By Mr. Litchfield:

Q. Ever see blood come from the lips under similar circumstances? A. No, sir; from the nose only.

By Judge Gilbert:

Q. Do you mean to say that there never was any occasion when an inmate who had resisted or who had been punished in the bath-room had been so severely punished or bruised that it was necessary for the attendants to carry him to his cell or room? A. Never such a case when I was there.

Q. Or that the attendants had to assist him to his cell? A. There never was a man hurt or injured so they had to assist him to his cell; sometimes we would take a man by the arm and lead him out, hurrying him out to get through with him; if we had two or three men to spank, when a man got his clothes buttoned up we would hurry him out.

Q. Was there ever any occasion when an inmate, after he had been punished, was kicked out of the door by the superintendent, or pushed out? A. An inmate was never kicked; I have seen the superintendent, perhaps, push him like that.

Q. Or when an inmate was kicked, or pushed by the attendants, the officers, yourself or others? A. Never kicked a man.

Q. And would hurry them along? A. Crowd them along.

Q. That would be occasions when you had several cases to be treated? A. Yes, sir.

By Mr. Litchfield:

Q. What is vulgarly called "running" a man out? A. That is the expression.

By Judge Gilbert:

Q. Do you remember any instance when an inmate, after he was punished; being carried out or taken out with a coat or something thrown over his head? A. Never.

Q. I understood you to say that you never, upon any occasion, heard Mr. Brockway use profane language to an inmate, further than the one word you have stated? A. "Damn;" that is all.

Q. While you were there do you recollect of the physician or the hospital attendant going to the bath-room for the purpose of treating an inmate? A. It seems to me years ago there was one case where the hospital steward came down, but as soon as he came down the man got up; he was not unconscious.

Q. You were present at that time? A. Yes, sir; it is so long ago I don't remember much about it.

Q. Was that an inmate that had been punished; paddled? A. Yes, sir.

Q. While they were punishing him did he throw himself upon the floor? A. Yes, sir.

Q. While upon the floor the superintendent and others were in doubt as to whether he was unconscious or not? A. I don't think anything was said to the superintendent about it; I think one of the other officers called the hospital steward; the hospital at that time was over the bath-room; I just remember about it; it is some eight or ten years ago.

Q. The hospital attendant went into the room? A. As soon as he came in the man got up; stood up.

Q. What was the man's name? A. I can not remember.

By Mr. Litchfield:

Q. Was the impression on your mind the man was unconscious? A. My impression was he was not unconscious at all.

Q. Why did you call the steward? A. Some of the other officers; I don't know why he was called, only the man threw himself down, and I think one of the officers stood by the door; the door was open, or something.

By Judge Gilbert:

Q. Do you know how many blows the man had received before he fell? A. No, sir; I don't know whether he received any; Breese was the man that came down.

Q. Breese was present? A. Yes, sir.

Q. Have you, at different times seen inmates within an hour or so after they have been punished, laughing about it and joking about it? A. Yes, sir.

By Mr. Litchfield:

Q. Would not a young fellow who wished to be considered tough; wouldn't he, naturally, after he had gotten over the pain, laugh and joke about it? A. He might; two hours after he received punishment; he wouldn't think anything about it.

By Judge Gilbert:

Q. How far were the inmates usually placed from the wall when they were punished? A. Three or four inches.

Q. This blood on the wall that you refer to; was right opposite? A. Right in front of them; came down their waist on their clothes.

Dr. Richard Kerr, being duly sworn, testified:

Examined by Judge Gilbert:

Q. What is your occupation? A. I am a dentist.

Q. Where do you practice your profession? A. Now I practice in Elkin, Penn., in Tioga county; I have an office in Elkin and one in Knoxville.

Q. Did you ever have an office in Elmira? A. I was here for fifteen years up until about two years ago.

Q. While practising in Elmira did you visit the reformatory and treat the inmates here? A. Yes, sir.

Q. About how often did you call? A. It varied according to the amount of work that had to be done; sometimes I would be up twice a month; I have been up every week at times; then I would drop until once a month.

Q. To treat the inmates? A. Treat the inmates only.

Q. How would you be informed when you were needed or required? A. By telephone message; after they got the telephones here to my office they would like me up, say to-morrow, that they had a number of men, etc.

Q. Who would request your attendance? A. Usually it was the bookkeeper said the superintendent would like me to come up.

Q. At whose expense did you treat the inmates, their own expense or at the expense of the reformatory? A. I was employed by the State; the State paid for the work that I did for the convicts up to a certain extent; we found at first, about twelve years ago or better, when I first came up here, there was nothing but extracting altogether; then there was a large number of men here that they would have very small cavities in their teeth, and the prison molasses would make them ache and they would be compelled to have something done, and after a time a great many of those cases I filled them with a cheap filling, instead of taking them out; the men would have a nice set of teeth and it seemed a pity to take them out for a small cavity, and that got to be so expensive the State didn't pay for that; they had to stop it altogether; so many of the inmates wanted the work done, and the most of the work was extracting.

Q. As far as the extracting was concerned that was paid for by the State? A. Yes, sir.

Q. The latter part of the time you served the filling, etc., was paid by the inmates? A. The inmates, as I understood it, made a request to the superintendent to have the dentist look over their teeth, and I got a note then on my arrival here from the superintendent to call for inmates so and so, number so and so, and look over his teeth and see what it would cost to do the necessary repairs; I told the inmate what it would cost to do it, find out how he wanted it done, and whether it was with gold, and what the character of the work, and he reported to the superintendent, and after several weeks, when he heard from home, the parents, or whoever it was, sent money to the superintendent to have that work done for that particular individual.

Q. When was it your services terminated? A. I think it was the latter part of 1890; I haven't kept any dates in regard to it.

Q. Whereabouts in the reformatory did you usually do the work? A. When I first came up here ?

Q. During the years since 1888 down to the time you left ? A. I think that was down in the new wing; they moved my operating place from one side of the building around on the other.

Q. You had a regular room assigned to you ? A. Part of a room.

Q. Do you remember doing some work for one Thomas J. Miller? A. There was a number of Millers.

Q. Do you remember of making two different sets of teeth for a man named Thomas J. Miller ? A. I think I do; I think there was a man that I made a couple of sets of teeth for.

Q. By the name of Miller? A. I couldn't be positive that was his name, but I recall the circumstances, something of it.

Q. Do you remember who was present at the time you were working at Miller's teeth? A. No, sir.

Q. When you were preparing to make for him the first set? A. No; there might be three or four there; they were coming in and out; there was a barber shop at one end, and they were coming in and out there all the time; the men I was operating for were separate from these people altogether.

Q. Do you recollect the condition of Miller's teeth at the time when you first examined them, when it was first proposed you should make for him a set of teeth? A. No; I can't recollect.

Q. Do you remember whether a man came to you with two of his teeth broken, and with a statement that the teeth had been broken or knocked out? A. No, sir; never; that is a circumstance I would have remembered; I never had anything of that kind.

Q. Did any man by the name of Miller complain to you in any way or state to you in any way that his teeth, one or more, had been knocked out or broken off by a blow that he had received while in the reformatory? A. No, sir.

By Mr. Litchfield:

Q. At present you can not recollect that man Miller in any way in connection with the false teeth? A. If I could see the man I would know him at once, but I saw from twenty-five to forty-five people every visit, and the time is limited here by the time I could get to work; I had to pass them through my hands as rapidly as possible.

Q. None of the twenty-five or forty-five men have complained their teeth had been knocked out? A. I never heard any of the men in my presence make any remarks of the kind.

Q. Do you remember whether any man by the name of Miller ever came to you with two of his teeth broken out? A. No; I can't recall such a case.

Q. You don't know whether any such man did or did not? A. If a man came in to me and had two front teeth broken by violence, as sometimes happens, the usual practice is not to abstract those stumps at all, the roots, but to prepare the root and pivot upon those artificial crowns to prevent the man from wearing a plate; that is the practice and has been for ten years or better; it is easier to do that and almost as cheap as to take them out and make a man a plate.

By Judge Gilbert:

Q. Do you remember a man named Miller applied to you for a set of teeth and afterwards he came back and complained to you that the plate which you had made for him didn't fit, and then you made for him a second plate? A. Yes, sir; but I can't recall the man, the name.

Q. Do you remember that it was a Miller? A. I made two sets of teeth for the same man.

Q. Do you know his name was Miller? A. I couldn't positively say his name was Miller.

Q. You think you would identify that man if you should see his photograph? A. I think I could.

Q. Assuming that you will see the photograph and can identify the man I will go on; if that man's name was Thomas J. Miller I wish to know if you recollect what the condition his teeth were in when he first applied to you? A. No; I couldn't.

Q. You can't recollect whether he had two teeth broken out or not, or what the condition of the remainder of his teeth was? A. No; it would be impossible to recall to my mind on account of the enormous amount of work I had to do.

Q. During the time that you were attending the inmates here about how many plates did you make per week or month in connection with your practice? A. I guess they would average, at least, two, probably, a month.

Q. You don't mean here in the reformatory? A. I made over $2,000 worth of them at ten dollars a plate.

Q. In a month? A. They would average seven or eight sets or more; sometimes ten; sometimes fifteen in a month.

Q. During the time you were attending the inmates of the reformatory? A. I had a very large business; as much as I could do to get away to come up here and do this work.

Q. You were constantly employed during reasonable hours in the practice of your profession? A. All the time.

Q. Extracting teeth and making plates for them, etc.? A. Yes.

Q. It is impossible for you to recollect and identify every person, and the particulars and facts relating to every plate that you made for your different patients? A. Yes, sir; there is another reason why I can't; the work that was done at the reformatory — I would come in and there would be a slip of paper handed to me with names on, and according as I wanted them I would send for them; that was the only record I had of the work that was done because the State paid me a fixed sum to do the work; it wasn't necessary for me to put this work down on my books at home and keep track of it there, because as the work was done whether the inmates paid for it themselves or whether the State paid for it the whole transaction was wound up there.

Q. You were paid a gross sum per week, or month or year for all the work you done for the inmates? A. Yes, sir.

By Mr. Litchfield:

Q. If a front tooth had been fractured could you tell, from inspection whether it was a recent fracture or an older date? A. In my experience I have had quite a number of those cases when the tooth is fractured there is a live pulp left, and the man is in extreme pain until that pulp is killed or taken out; that is, a man with two teeth broken off square on the guins would have that nerve sticking out of those two teeth; he couldn't take any hot coffee or cold water or the slightest thing; it would be just like death to touch them until an application is was made to them by some person to devitalize those pulps; he must have relief at once; I don't see how he could stand it all; if he came to me and I had to devitalize the pulp of two teeth it would be a circumstance that would be upon my memory independent of the man himself; I looked upon these inmates as strangers; I thought, probably, I would never see them again, and I didn't make any account of their names.

By Judge Gilbert:

Q. During the entire time you were attending the inmates of the reformatory did any of the inmates apply to you to have the stumps or stubs of teeth drawn the he claimed had been broken off by a blow he had received in the reformatory? A. Never.

Q. Did you ever treat an inmate for such an injury as that? A. Never heard of it and no one ever told me of it.

By Mr. Litchfield:

Q. If a tooth were badly decayed, a very slight blow might break it off? A. Speaking of that, a tooth might be very badly

decayed and a small portion of it; a very thin portion of the enamel remaining, they would call it a tooth, and the slightest biting on a crust of bread would break it off short; it takes a very little thing sometimes to break it off; in such a condition the nerve would have been dead some time.

Q. Such a tooth would break off of itself, without requiring mastication? A. Almost invariably do waste away; the enamel stands last; waste away until it becomes even with the gum.

By Judge Gilbert:

Q. You have no recollection of any instance when an inmate came to you complaining or claiming that two sound teeth had been broken off by reason of a blow or injury which he had received here in the reformatory? A. Never.

Q. You may have had instances where you have treated an inmate whose teeth were partially decayed and where two or more of them had been broken off or shells or what remained of the imperfect teeth had been broken? A. Oh, yes; lots of those cases.

Q. You never had any case of that kind that you recollect of, where the inmate claimed those shells or imperfect teeth had been broken by a blow he received here in the reformatory? A. No, sir.

Q. Were you in the habit, when you were treating the inmates, to converse with them and learn from them how their teeth came to be in an imperfect condition? A. I treated those inmates exactly as I would anyone coming into the office; I advised them about their teeth and asked them how they came to be that way, and heard their whole story; there never were any officers there; they had perfect liberty to talk as they liked and did; if this man Miller is the man I made the two sets for; if I put in a set of teeth or did any work here in the reformatory, if there was anything unsatisfactory about it they reported it to the superintendent; the superintendent would write me a note to the office stating so and so's teeth that I made complains they don't fit him; please look to them; when I would come up on my next trip I would call for that man and see what the complaint was and if the set didn't fit I took a new impression and made him a new set and that is all there was to it.

Q. (Showing photograph). A. I recollect that fellow.

Q. Do you recollect making two sets of teeth for him? A. Yes; there wasn't any broken teeth or anything about that; he was a man of kind of a very white complexion and I saw him a number of times, this Miller; this is the man I made the two sets of teeth for.

Q. What was the condition of his teeth when he first called upon you? A. They were very bad, indeed.

Q. Did he have two teeth that had evidently been recently broken off? A. No; his whole mouth was in a terrible condition.

Q. His teeth were very bad? A. Yes; those that were left I took out and made him the set.

Q. Can you say from your present recollection of his case and from the examination you made of his mouth whether there was anything indicating that two of his teeth, imperfect as they were, had been recently broken off? A. No, sir; that man never told me anything of the kind; I thought it was a hardship to make that second set over, because I didn't consider that I had any right to do it; his first set fit him very well, but in order to satisfy him — here is a man in prison, and he thinks everybody is taking advantage of him — and for that reason I made him that second set, to show him we would take all kinds of pains to satisfy him; that is the way I came to make him the second set.

Q. What I want to know is whether you can recollect that when he first applied to you to have you treat his teeth that he had two teeth that had evidently been recently broken off, either sound or imperfect; I understand you to say you discovered nothing indicating that? A. Yes, sir; positively.

Q. He made no complaint to you whatever that any such thing as that had occurred? A. He never made any complaint of that kind or I would have recollected it.

Mr. Babcock.— The reformatory record shows Miller was only spanked twice during Mr. Kerr's service as a dentist, and only once after Mr. Kerr left the institution.

Jesse S. McNish, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Where do you reside? A. Town of Horseheads.

Q. Were you ever connected in any way with the Elmira reformatory? A. Yes, sir.

Q. In what capacity? A. As guard, watchman, shop-keeper, assistant hall-keeper.

Q. From what time to what time were you assistant hall-keeper? A. I can't remember the exact time; I was assistant hall-keeper about three years, or a little more.

Q. At what time was your connection with the reformatory severed? A. It was in September or October of 1890.

Q. For three years previous to that you say you had been assistant hall-keeper? A. Yes, sir; with the exception of about three months, when I was away from here.

Q. Part of your duties consisted in having an oversight and being responsible for the cleanliness and tidy appearance of the hall, guard-room, inmate-room and dormitories, hospitals, store-room, school-room, No. 4, and of the officer quarters? A. Yes, sir.

Q. You also were required to supervise all cell changes and grade transfers, and immediately upon the completion of such changes or transfers to advise the proper clerk in guard-room office regarding the same matters? A. Yes, sir.

Q. Also to attend supplying food and other articles to the inmates confined in the solitaries? A. Yes, sir.

Q. And to see that the inmates that were placed in the disciplinary department were properly looked after and taken care of? A. Yes, sir.

Q. You were to report, from time to time, their condition to the general superintendent? A. Yes, sir.

Q. Those were some of the duties you were required to perform as assistant hall-keeper? A. Yes, sir.

Q. While thus engaged were you acquainted with an inmate named Andrew Clineth, consecutive number 466? A. Yes, sir.

Q. When did your services commence as an officer of the reformatory, or as a helper, or assistant here? A. I came here the 13th of May, 1885.

Q. You were here in the neighborhood of about five years? A. Yes, sir.

Q. You say during that time you became acquainted with the inmate, Clineth? A. Yes, sir.

Q. Was he an elderly man? A. Yes, sir.

Q. About what was his age, should you judge? A. I should think he was about 35 years old.

Q. Was he at one time confined in the reception-room? A. Yes, sir.

Q. For what reason? A. He was put in the reception-room for uncleanliness and to keep him separate from other men.

Q. What was the occasion for that? A. I don't understand your question exactly.

Q. Why was he kept separate from the others? A. Because of his uncleanliness.

Q. Was he put in the reception-room for the purpose of punishing him? A. No, sir; he was not.

Q. Simply kept there because that was a proper place under the circumstances to keep him? A. Yes, sir.

Q. In consequence of his disease? A. Yes, sir.

Q. Not at all for the purpose of punishing him for anything he had done? A. No.

Q. You mean this uncleanliness was a loathsome disease? A. Yes; and he was uncleanly in his person aside from that.

Q. What, if anything, do you know in reference to his death or did he die in that cell? A. No, sir; he did not.

Q. Where did he die? A. I don't know.

Q. Did he die in the hospital? A. I think so.

Q. Did he die in the hospital? A. I think so.

Q. Didn't a couple of the inmates carry him to the hospital by your direction? A. No, sir.

Q. Did they carry him to any part of the reformatory by your direction? A. They did not.

Q. Or in your presence? A. No, sir.

Q. As it was a part of your duty to look after the inmates, those that were in their cells, did you look after this man? A. Yes, sir.

Q. From day to day? A. Yes, sir; I did every day.

Q. Did you see that everything was provided for him? A. Yes, sir; he received officer's rations from the dining-room, and I carried the rations to and from.

Q. Do you know whether he received from time to time medical treatment? A. Yes, sir; I think so.

Q. Do you know whether Dr. Wey visited him or not? A. Yes, sir; he did.

Q. And administered to him, as you understand it? A. Yes, sir.

Q. In short, do you know of anything that could have been done to have relieved the condition of the suffering of this man, considering the disease he had and his peculiar condition, anything more than what was, in fact, done for him? A. No, sir; I do not.

Q. When you say this man was uncleanly, etc., what do you mean by that? A. There was something about him that had a peculiar smell, and I had to change his room every week, and have his room that he occupied cleaned out; it had a peculiar smell, peculiar to this man, and he would spit on the floor and do anything; make water regardless of the bucket; he didn't care; he was uncleanly.

Q. Was he in his right mind? A. Yes, sir; he was apparently.

Q. He had the liberty of the yard? A. Yes; he went out in the morning with the men from the hospital, and the men that are convalescent.

Q. He had the liberty of the yard in the morning and after the midday meal he then had the liberty of the yard in the afternoon? A. I can't say as to that, but he went out with the hospital men, whether the hospital men went out in the morning I don't remember, but I am quite sure they were out in the afternoon when the weather was suitable.

Q. Do you know how long a time elapsed between the time he was removed from this cell to the time of his death? A. No, sir; I do not.

Q. Do you know that it was less than a day or only a few hours? A. I do not.

Q. Know nothing about that? A. No; I didn't know when he died.

Q. You don't know when he was taken from this cell to the hospital? A. No, sir; I did not remove him.

Q. Or how long it was after he taken to the hospital before he died? A. No, sir.

Q. Do you know a man named Frank Flaherty, consecutive No. 2011? A. Yes, sir.

Q. Did you see an assault committed by him upon Winnie? A. I saw a part of the assault.

Q. State what you saw? A. The first I saw I brought in my men, the line, and I stood by the slide, and he was taken over toward the cell two or three cells below the corner of the block; I think Winnie went to search him and he resisted; fought; and he was thrown down and they had a scrimmage there; that is about all there was of it.

Q. While he was down did Winnie have his knees upon his chest? A. No, sir; I don't know as he did.

Q. Or hold him down in that way? A. No, sir.

Q. Did he strike him after he was down? A. I don't remember seeing him strike him.

Q. Or kick him? A. No, sir.

Q. Or trample upon him? A. No, sir.

Q. What did Winnie do after he got him down? A. I think there was one or two others there that took the knife away; that is what we were after; he had a knife.

Q. What kind of a knife was it he had? A. A shoe knife.

Q. A regular shoe knife? A. Yes, sir.

Q. Or a knife he, himself, had made? A. No, sir; it was a regular shoe knife.

Q. Did he have more than one knife? A. Not more then.

Q. Was that the knife he used when he stabbed the officer? A. No, sir; there were two knives.

Q. Who had the other? A. Winnie.

Q. Winnie had one and when the fellow was down he had another knife? A. Yes, sir.

Q. Did you take the second knife from him? A. I did not.

Q. Did you see it taken from him? A. Yes, sir; I think I did; it was taken from him.

Q. You say while he was down Winnie didn't strike him? A. I don't remember of his striking him.

Q. Or kick him? A. No, sir.

Q. What did Winnie do? A. He held him down.

Q. Until you took the knife away? A. I didn't take the knife away from him myself.

Q. Who did take it away? A. I don't remember; I think Mr. McLaughlin was there; I can't say as to that; it might have been Gardner.

Q. Did Winne take the man by the throat? A. I don't know as he did.

Q. Or hold him in that way? A. No, sir; I can't say that he did.

Q. What did Winne require the man to do before he would let him up? A. The man got up; he stopped his resisting, and that was all there was of it.

Q. After he was let up what did the man do? A. They locked him up.

Q. Did he resist as they attempted to take him to a cell to lock him up? A. No, sir.

Q. Did you see anything that occurred between him and the officer that he stabbed? A. No, sir; I only heard the movement.

Q. Do you know whether this man had been into the bath-room and punished before this? A. I don't remember; I don't recall it now.

By Mr. Litchfield;

Q. When Winne threw him down did he hit him with his fist? A. I don't know as he did.

Q. Did he hit him in the face? A. I don't know as he did.

Q. Were you looking that way? A. Yes.

Q. If he had hit him in the face would you have seen him? A. In a general scrimmage like that it is pretty hard to tell where a man hits him; if a man is thrown down he is thrown down.

Q. Yet you were watching the scrimmage? A. Yes, sir; I was there.

Q. You can't say whether Winnie hit him or not? A. No, sir; you must remember some time elapsed since that happened; I haven't been here in three years and a half ago; I went away from here in 1890.

Q. That occurred prior to 1890? A. Yes, sir; it did.

By Judge Gilbert:

Q. You say you can't recollect whether any blow was struck by any one ? A. No, sir; I don't remember.

Q. Do you remember any of the language that was used by either of them? A. No, sir; I don't think there was anything said; I don't remember now of anything being said.

By Mr. Litchfield:

Q. Your general recollection of the whole thing is rather hazy owing to the lapse of time? A. Yes, sir; I remember the knife distinctly.

By Judge Gilbert:

Q. I am requested to ask you when you first stated what you knew or saw, you stated that Winne didn't strike him and now you state that you can't remember? A. I don't remember as he struck him.

Q. You mean to say you don't remember whether he struck him or not? A. Yes, sir.

By Mr. Litchfield:

Q. Do you recollect that shoe knife enough to tell me what kind of a knife it was? A. It was a blade, to my recollection, about three inches and a half long.

Q. Do you recollect whether it was extra sharpened? A. As I understand a shoe knife is sharp on one side; the knife had been used; it wasn't a new knife.

Q. That was the knife they found in his pocket? A. Yes.

Q. The knife he attacked the other man with, did you see that knife? A. Yes, sir.

Q. What kind of a knife was that? A. That was similar to the other, both shoe knives.

Q. About the same size blade? A. About the same; yes, sir.

Q. Do you remember an inmate by the name of Patrick Cunningham? A. Yes, sir.

Q. Who was forced out of his cell by the aid of a hot iron? A. Yes, sir.

Q. Were you present upon that occasion? A. I was.

Q. Do you know who took the iron to the furnace or boiler room to be heated? A. I can't remember now whether I took it or Mr. McLaughlin.

Q. One or the other, you think? A. Yes, sir.

Q. Had you seen Mr. Cunningham on that day before the parties met there for the purpose of forcing him from the cell? A. I don't remember now; I presume I seen him, but I don't recollect at this time.

Q. Did you help use the iron in forcing him from the cell? A. I did.

Q. Did you have a hold of it yourself? A. Yes, sir.

Q. Anyone have hold of it with you? A. Yes, sir.

Q. Who? A. Mr. McLaughlin.

Q. Anyone else? A. No, sir.

Q. How was that iron placed; around Cunningham's body or person? A. I can't remember now; in that regard, Cunningham fought and resisted the iron; he wouldn't come up to his door; he refused to come out; we put the iron in his room and he fought with a blanket, with a large cell blanket, a double blanket.

Q. You mean by that that he used that blanket to prevent you from placing the hook around his body? A. Yes, sir.

Q. What did you finally do? A. He finally came up to the door.

Q. Did you put the hook around his body? A. I think so.

Q. Was he armed with anything? A. I don't remember as he was.

Q. But he refused when requested to come to the door? A. Yes, sir.

Q. What do you say with reference to the iron being hot enough to burn his clothing or to burn his flesh? A. The iron was hot; yes.

Q. Did it burn or scorch his clothing? A. It burned the blanket.

Q. Did it set fire to it? A. No, sir.

Q. Cause it to blaze? A. No, sir.

Q. Or produce a blaze? A. No, sir.

Q. Did it burn the clothing upon his person? A. It might have scorched his clothing; he fought with the blanket.

Q. Used the blanket to prevent them putting the hook around him? A. Yes, sir.

Q. He had his clothing upon him? A. Yes, sir.

Q. That consisted of his pants, shirt, vest and coat? A. He had on his coat.

Q. When you got the hook around him was the iron sufficiently hot to burn his coat? A. Might have burned his coat; yes, sir.

Q. Did it set it on fire and produce a blaze? A. No, sir.

Q. Was water thrown upon him to put the fire out? A. No, sir.

Q. Was any water thrown upon him at all? A. No, sir.

Q. In placing the hook around him did you burn his flesh or injure him? A. Not as I remember.

Q. Do you say you did not? A. Yes, sir.

Q. Was the iron red or black, was it a red-hot iron? A. No, sir.

Q. Can you describe the iron? A. Yes, sir.

Q. Describe it? A. It was about three-quarter iron, twelve or thirteen feet long; the end was bent in the form of a hook.

Q. A round loop or hook? A. Yes, sir.

Q. And was sufficiently hot to burn the inmate's flesh or to burn his clothing if it touched it? A. Yes, sir.

Q. But not red-hot? A. No, sir.

Q. How far did you carry the iron in order to heat it? A. The iron was brought from the sub-cellar.

Q. Carried from there to the furnace? A. The iron was heated in the furnace.

Q. How far was the furnace from Cunningham's cell? A. Quite a ways; had to come up the stairs out of the sub-cellar.

Q. The furnace was in the story below? A. The sub-cellar, in the boiler-house.

Q. It was carried up on the floor where this cell was and about how many feet was it from Cunningham's cell to the sub-cellar? A. It is quite a ways; carried it up the stairs into a door on the north hall, through the inmate dining-room.

Q. You don't remember whether you took it from the furnace or not? A. No, sir.

Q. Did you ever, upon any other occasion, heat this iron? A. Yes, sir.

Q. When you heated it, did you heat it red-hot? A. Yes, sir.

Q. Upon how many different occasions did you heat it? A. Probably twice, according to my recollections.

Q. How many times do you know of its being used for the purpose of forcing inmates out of their cells? A. Four or five times; five, probably.

Q. More than once upon Cunningham? A. I don't remember of Cunningham being taken out only once; he stayed in his room before.

Q. You being in charge of the halls, etc., what, if anything, do you know with reference to inmates being confined in the solitaries? A. Yes, sir; I know about that.

Q. You are very positive that no water was used to put out fire there in the clothing of this man, or fire in any other clothing? A. No, sir; never used water in any case.

Q. Who was the inmate that refused to come out of his cell at the time when you heated the iron red hot for the purpose of forcing him out of his cell? A. I think his name was John Dunn.

Q. Was he at the time armed? A. Yes, sir; he was.

Q. With what? A. My memory is deficient in that line; I remember he had something in his hand, but I don't distinctly remember what it was.

Q. He refused to come out? A. Yes, sir.

Q. The directions or orders were to use the hot iron to force him out? A. Yes, sir.

Q. This hot iron referred to upon all the occasions that you know of its being used was used solely for the purpose of forcing the inmate out of his cell where he absolutely refused to come out? A. Yes, sir.

Q. If he came to the door, or if he approached the door in such a way that it wasn't necessary to use this iron then it wasn't used on him? A. Yes, sir.

Q. Upon any of these occasions when you heated the iron and made it red hot, or until it was red hot, was it red hot at the time it was used at the cell? A. No, sir.

Q. It was only black hot? A. Yes, sir.

By Mr. Litchfield:

Q. It was always hot enough to burn a man's clothes or his hands if he grabbed it? A. Yes, sir.

By Judge Gilbert:

Q. The object of heating it was to prevent his taking hold of it? A. Yes; the man in the room would have all the leverage.

Q. How would you manage while you are holding it in your hand, the heft of the iron would be bearing down, and it would require a good deal of strength to hold that square, keep the other end of the hook level; how would you manage to keep the end of that hook from striking the person of the prisoner? A. Shove the hook in one side.

Q. How did you manage to hold it tight enough? A. There was a ring at the other end.

Q. The other end of the hook was bent around so it formed a ring? A. Yes.

Q. By taking hold with both hands of that ring you could govern the other end? A. Yes, sir.

Q. How many were attempting to use this iron? A. Always two.

Q. Always two hold of it? A. Yes, sir; it is unwieldy and it takes two men.

Q. Was the hook that was formed at the other end turned around so it formed quite a large round hook? A. Yes, sir.

Q. So that the end of the hook as it turned around towards the handle of the hook was about how many inches or feet long? A. It was short there; it wasn't a long point; it was a short hook.

Q. When the prisoner backed up against the opposite side of the cell how would you manage to get that hook around him? A. We would slide the hook in by the side of him.

Q. In order to get it around him how could you do so without burning him with the end of the hook? A. It might have burned his clothes.

Q. He had to take the chance of getting burned? A. Yes; the man took his chances when he stayed in there.

Q. Did you ever attempt to pass it around over his head or around his neck? A. No, sir.

Q. Were you very careful and particular? A. Yes, sir; we were careful not to injure the man; the object was to hook the man around the body.

Q. Did this man, Cunningham, at the time you made him come out of his cell complain that he was burned or injured? A. No, sir; I don't remember as he did.

Q. Did you ever use that hook, except when a man was a dangerous man? A. We never used it on a man unless he refused to come out.

Q. Or unless you supposed he was a dangerous man? A. If a man stays in his room the supposition is he is armed.

By Mr. Litchfield:

Q. Cunningham had already once stayed in his room with a knife in his possession and in this case you had fair reason to suppose he had a knife? A. Yes.

Q. Suppose it was a little chap who had freshly come to the institution weighing 120 pounds, would you, in that case, use this hook in the same way? A. I don't understand the drift of your question; Dunn was a small man.

Q. Was he a desperate man? A. We never supposed he was.

By Judge Gilbert:

Q. Was this hook ever used upon any other occasion than where it was ordered by Mr. Brockway? A. No, sir.

Q. It was always used under his direction? A. Yes, sir.

Q. Was he present upon any of these occasions when it was used, so far as you know? A. No, sir.

Q. The fact that the inmate had refued to leave his cell would be reported to Mr. Brockway and then he would order you to use this hook? A. Yes, sir.

Q. Can you name any of the others who were forced from their cells by the aid of the hook? A. I remember Russell.

Q. Can you give his consecutive number? A. I can't; that was the first man I ever helped take from his room.

Q. Was the hook on hand at the time you went to the reformatory? A. I can't say as to that; we made a hook one time while I was here.

Q. You don't know whether it was this one or not? A. No, sir.

Q. Can you name any other besides Russell? A. There was a man that was in the physical culture class; he locked in about 615; he barricaded his door.

Q. A large man or small man? A. A medium size man; would weigh 150, probably.

Q. The first time he had ever done so? A. Yes, sir; I think it was.

By Mr. Litchfield:

Q. Was he armed? A. I don't remember; he barricaded his door; I remember that particularly; he took his bedstead and put it up to the door and put his cupboard up and refused to come out.

Q. He was in the physical culture class? A. He was at this time.

Q. An invalid? A. No, sir; far from it.

Q. Why was he in the physical culture class? A. I can't say the exact reason for his being there.

Q. Do you remember any others? A. There was one man, a big man; I don't remember his name; I remember his weight in particular; I think it was 190.

Q. Was his name Brown? A. No, sir; we took out a man named Brown; I spoke of him first.

Q. That makes six; what others? A. I don't remember any more.

Q. Dunn was a small man? A. Yes, sir.

Q. Had he ever barricaded his door before? A. I don't think he ever did.

Q. Was he armed? A. I think he was armed.

Q. Did you think so then? A. Yes; I can remember his being in his room and having something in his hand; I can't say whether it was a knife or what it was.

By Judge Gilbert:

Q. Did you go to the bath room with Cunningham after he was taken out? A. Yes, sir.

Q. Was there anything said to Cunningham as to why you wanted him to come out of his cell? A. I don't remember.

Q. Was it understood at the time he was to be taken to the bath-room? A. Yes, sir; I think it was.

Q. He had been marked in for the bath-room, chalked in? A. Yes, sir.

Q. Hadn't been taken to the bath-room before that? A. I think he had.

Q. So that he knew if he went to the bath-room about what was to occur? A. Yes, sir.

Q. Did you go to the bath-room with him? A. I believe so.

Q. Did you witness the punishment that he received? A. I don't recall now; I must have been there, but I don't remember the case.

By Mr. Litchfield:

Q. About what period of time was covered by the six cases? A. They occurred within three years; Russell was the first man we had.

Q. Was Cunningham the last case, or did he come about the middle of that list? A. I think Dunn was the last one during my time.

By Judge Gilbert:

Q. Do you remember an inmate named Jacob Shinsky, consecutive number 2461, known here as Jacob Myers? A. I think I do have a faint recollection.

Q. Was he in your presence ever kicked in the side by Winnie in the bath-room? A. No, sir.

Q. Were you ever present in the bath-room when he was punished? A. I can't say; there were several men here by the name of Myers; if you can tell me where this man worked.

Q. Said he used to sing in the choir? A. I couldn't say.

Q. You never saw Winnie kick this man, Myers, or Shinsky? A. No, sir.

Q. Did you, upon any occasion, while standing over this man have a knife in your hand, threatening to stab him or injure him? A. No, sir.

Q. With a knife in your hand as if ready to stab him? A. No, sir; or any case whatever.

Q. Never had a knife in your hand under those circumstances? A. No, sir.

Q. Did you ever stand over any inmate with a knife in your hand? A. No, sir; never.

Q. Ready to stab the inmate? A. No, sir.

Q. Did you ever see this man, Myers, or Shinsky, with black and blue eyes? A. I don't remember.

Q. Did you ever see cuts upon his face, indicating that he had been severely punished? A. I don't remember.

Q. Or marks upon his body, indicating that? A. No, sir.

Q. I am requested to ask whether Winnie ever, upon any occasion, struck an inmate in the bath-room or anywhere else? A. I don't recall no case.

Q. For how much of this time that you were connected with the reformatory were your duties such that you were required, and it was proper, for you to be present in the bath-room when inmates were being punished, and while Winnie was there? A. About three years, I think, or a little longer.

Q. In all that three years you never saw Winnie kick an inmate? A. No, sir.

Q. Nor saw him strike an inmate? A. No, sir.

Q. Did you, during that entire time, see an inmate have bruises on his face? A. I saw men with black eye.

Q. And with abrasions upon their heads or faces, with the skin cut or broken? A. No, sir.

Q. About how many in all did you notice during that time that had black and blue eyes, as if they had been bruised and severely punished, that they received in the bath-room? A. Not very many.

Q. About how many? A. That is pretty difficult to remember; from the time I first came here we would have to go back about six years.

Q. Was it of frequent occurrence? A. No, sir; it was not.

Q. Very seldom? A. Rare occurrence.

By Mr. Litchfield;

Q. Did you ever see a man with a bloody nose in the bath-room? A. Yes, sir; I have.

Q. See that frequently? A. No, sir.

Q. How frequently; half a dozen times? A. Possibly.

Q. Ever seen any blood upon the wall of the bath-room? A. I think I have; yes, sir.

Q. On the floor of the bath-room? A. Yes, sir.

Q. What part of the bath-room; which wall did you see it on? A. By the window.

Q. During the time you were there did you superintend the cleaning of the bath-room and the hall? A. I did; yes, sir.

Q. For what length of time was that a part of your duty? A. The time I was assistant hall keeper.

Q. Did you, during that time, clean the hall and the bath-room? A. Yes, sir.

Q. Do you remember whether in cleaning you observed blood in the bath-room? A. Yes, sir; I wiped up blood drops that was on the floor.

Q. Different times? A. Yes, sir.

Q. Several times? A. Yes, sir.

Q. Give the idea of the number of times? A. I couldn't do that.

Q. Were you ever present in the bath-room when prisoners, from blows which the received — when the blood flowed from them? A. I have seen men have the nose bleed.

Q. Ever see the blood flow from any other part of the body? A. No, sir.

Q. From wounds made? A. No, sir.

Q. You say you never did? A. Yes, sir.

Q. Did you ever see blood flow from their backs? A. No, sir.

Q. Of any of them? A. Of any of them.

Q. How frequently or how many times were you present when inmates were punished in the bath-room altogether? A. Probably I saw two-thirds of the inmates punished during that time.

Q. In all how many? A. That is another question; quite a good many.

Q. In your judgment how many? A. I don't think we could figure on the whole time.

Q. Give an average per day or per month or year? A. Probably twenty or twenty-five a month.

Q. That you saw? A. I can't say to that because when there were a number of men down to be punished I wasn't always in at the time they were punishd; that is the reason I said I saw about two-thirds of the inmates punished.

Q. While you saw these punishments did you ever see the superintendent strike any of the inmates with a strap over the head? A. Yes, sir.

Q. Upon several occasions? A. Yes, sir.

Q. For what reason? A. For turning their head.

Q. Ever see him strike them over the head for any other reason? A. No, sir.

Q. Would he invariably strike them in any particular place over the head; was it always over the head or was it sometimes across the face or anywhere upon the head, wherever the blow happened to fall? A. It was on the head.

Q. Never over the face? A. The man got a black eye; never across the face here, do you mean; I want you to explain.

Q. Yes? A. No, sir; strike across the head.

Q. You saw an inmate's nose bleed? A. Yes, sir.

Q. How would that occur? A. Might come from the same cause; the end of the strap might hit him across the nose.

Q. Ever see the inmate's nose bleed from a blow over the face or head upon more than one occasion? A. I think so; yes, sir.

Q. Several? A. Yes, sir.

Q. Can you give the number? A. No, sir.

Q. About? A. It wasn't frequent.

Q. Not every day? A. No; might go a month; might three months.

Q. In short, this never occurred unless the inmate turned his head to look in a different direction from what he had been directed to look by Mr. Brockway? A. Yes, sir.

Q. It was given, as you understand it, because he failed to obey those orders? A. Yes, sir.

Q. Did you ever hear Mr. Brockway, upon any occasion, use profane language to an inmate? A. I have heard him use the word damn.

Q. Anything more than that? A. I never did.

Q. Were you ever present when the inmates were being examined as they entered the reformatory? A. How do you mean by that?

Q. Present when Mr. Brockway was examining them? A. No, sir.

Q. Don't you know anything about what occurred upon those occasions? A. No, sir.

Q. Did you ever, upon any occasion, see Mr. Brockway strike an inmate in his face with his fist? A. No, sir.

Q. Or with his hand? A. Whereabouts?

Q. Anywhere? A. It might possibly be in the bath-room, if a man turned his head, if he didn't use a strap he might strike him that way.

Q. With his open hand? A. Yes, sir.

Q. You say he never, upon any occasion, struck him with his closed fist? A. I never saw him; no, sir.

Q. When the inmate would enter the bath-room for the purpose of being admonished or punished, did you ever see Mr. Brockway strike the prisoner? A. No, sir.

Q. Either with his fist or with his open hand? A. No, sir.

Q. Did you ever see Mr. Brockway, when the inmates were leaving the bath-room after they were punished, see him kick them or push them out of the door? A. No, sir.

Q. Or kick them as they went out of the door? A. No, sir.

Q. Did you ever, upon any occasion, see Mr. Brockway take off his coat either before or during the time that he was punishing an inmate? A. No, sir.

Q. Ever see an inmate carried out of the bath-room bleeding with a coat or anything else thrown over his head? A. No, sir.

By Mr. Litchfield:

Q. When these man had bloody noses or went out of the door, wasn't it customary to cover their faces so others should not see it? A. No, sir.

Q. You have testified you have wiped up drops of blood on the floor of the bath-room; did you ever wipe up blood outside of the door of the bath-room in the hall? A. No, sir; I will explain in regard to that.

Q. Have you ever seen drops of blood outside? A. I have seen drops of blood in the hall.

Q Where did they come from? A. I don't know.

Q. You saw the blood, but don't know where they came from? (No answer.)

By Judge Gilbert:

Q. That is a long corridor leading from the bath-room to the cells? A. Yes, sir.

Q. Upon more than one occasion? A. I don't remember of only one.

Q. Do you know what inmate had been punished just before that? A. No, sir.

Q. Do you know how that blood came there? A. No, sir; I do not.

Q. Haven't you any idea A. No, sir; I have not.

Q. What time of the day was that? A. I can't say as to the time of day; I remember of seeing the blood and telling a man to clean it up.

Q. You gave orders because it was part of your duty to see that the hall was kept clean? A. Yes, sir.

By Mr. Litchfield:

Q. Who was the man you told to clean it up? A. I don't know.

Q. Don't you remember his consecutive number ? A. No, sir; I do not.

By Judge Gilbert:

Q. You say you saw blood upon the floor of the corridor ? A. Yes, sir; I did.

Q. Was it in drops or was the blood spread out over the flagging ? A. I think it was drops.

Q Didn't it have the appearance of having been thrown on the floor by some one spitting ? A. No, sir; I don't think it did.

Q. It was in the form of drops; for how long a distance along the corridor did those drops extend ? A. I didn't examine as to distance.

Q. About how far ? A. I saw the drops of blood; the floor was clean; it was just after we had cleaned it, and I told the man to clean it up.

Q. For what distance, as near as you can recollect ? A. I saw the drops down by the hospital; that is where I noticed the drops.

Q. From the bath-room to the hospital ? A. I didn't say that; I said I saw the drops down toward the hospital and solitary.

Q. Near the hospital and the solitaries, the solitaries were near the bath-room, were they not ? A. No, sir; not near.

Q. You are referring now to the solitaries as they were, the old solitaries ? A. I am referring to them as they are now, to-day; the hospital is over the solitaries, over the officers' quarters, the same as it is now.

Q. How far could you trace that blood, and in what direction ? A. I didn't follow up the blood; there were drops of blood down the hall; I saw it.

Q. Leading towards the bath-room ?

By Mr. Litchfield:

Q. Didn't you answer my question if you saw drops of blood outside the bath-room door, and you said yes ? A. Yes.

Q. And if you saw any outside the bath-room door in the corridor, and you answered yes ? A. Yes.

By Judge Gilbert:

Q. Was that upon the same occasion ? A. I don't remember as to that; it might have been the same occasion.

By Mr. Litchfield:

Q. Was it not the same occasion ? A. I remember the drops of blood down to the solitary.

Q. And you also saw them at the other end, by the bath-room door ? A. Yes, sir.

Q. Was it not the same occasion; did they not extend from one end to the other ? A. I couldn't say as to that.

Q. You didn't go over the middle of the line to see ? A. I didn't follow up the line of blood.

Q. Was the man who you directed to wash it a man whose duty it was to do that sort of thing ? A. The hallman, the man that belonged there.

Q. Were not those drops of blood practically the same that you saw in the bath-room itself, so that the man that came out from the bath-room with the bloody nose might have made those drops ? A. Might possibly.

Q. Was not that your supposition at the time ? A. I thought probably somebody had the nosebleed; I can't say it was so.

Q. That was your supposition at the time, that the man had obtained a nosebleed in the bath-room, and had dropped that blood

as he came out of it? A. I can't say; my supposition at that time extends a good ways back.

Q. To the best of your recollection what was your supposition? A. I thought probably a man had the nosebleed.

Q. In the bath-room? A. I didn't say that.

Q. He had either gone in the bath-room with the nosebleed or came out of it with a nosebleed; which would he most likely have done? A. Might have come out of the bath-room with a nosebleed.

By Judge Gilbert:

Q. Didn't you say a moment ago that you saw blood upon the bath-room floor? A. Yes, sir.

Q. And you also saw blood in the hall? A. Yes, sir.

Q. The corridor leading from the bath-room? A. Yes, sir.

Q. And also in the corridor near the hospital? A. Yes, sir.

Q. Was that all at the same time? A. I don't remember.

Q. The same occasion? A. I don't remember.

Q. Or do you mean to say you saw blood upon the floor of the bath-room, upon one occasion saw blood at the bath-room door on the corridor floor near the bath-room door upon any other occasion and upon the corridor floor near the hospital upon another? A. Might have been.

Q. May have been different occasions or all one occasion? A. Yes.

Q. Do you mean to say you never saw blood upon the floor of the bath-room only upon one occasion? A. I didn't say that; I say I had on several occasions.

Q. Isn't it true you had seen blood upon the floor of the corridor upon different occasions? A. No, sir.

Q. You swear positive you never did but one? A. On this time.

Q. Do you swear positive, during the entire time you were here in the reformatory, that you never saw blood upon the floor of the corridor except once and never gave orders to have it cleaned up but once? A. Yes, sir; that is my recollection.

Q. That you never gave orders to clean it up but once? A. Yes, sir.

Q. Do you say you never saw blood upon the floor of the corridor but once? A. Yes, sir.

Q. Were you present in the bath-room at the time when the inmate or some one bled either at the nose or from some wound and blood dropped upon the bath-room floor; were you in there at that time? A. I have seen men have nosebleeds.

Q. As you have stated upon different occasions? A. Yes, sir.

Q. Can you give us an idea of about the number of men that passed through that corridor per day at the time when you saw this blood there, about that time? A. Yes, sir.

Q. About how many? A. About 400.

Q. How many times a day? A. Twice.

Q. What times? A. The men passed out from their rooms.

Q. Four times a day, wasn't it, going out twice and coming in twice? A. Yes, sir.

By Mr. Litchfield:

Q. You mean the corridor outside? A. Yes.

Q. You do not mean the bath-room corridor? A. No.

By Mr. Babcock:

Q. If one of the inmates was injured he would pass through the corridor where you saw the blood near the hospital? A. Yes, sir.

Q. For treatment? A. Yes, sir.

Q. Injured in the work-shops would pass through the corridors, where you saw the blood, to the doctor's office in the hospital? A. Yes, sir.

Q. Then men who came from the dentist's office, did they pass through this corridor? A. Yes, sir; they did.

By Judge Gilbert:

Q. Did the men, either from the dentist's office or from any other place, pass through the corridor near the bath-room door? A. No, sir.

Q. So that they didn't pass along that part of the corridor where you saw the blood? A. No, sir; only partly; I said I saw blood outside the door, but the blood was in the main corridor.

By Mr. Litchfield:

Q. You already testified there was blood both in the main corridor near the hospital door, and in the small corridor near the bath-room door? A. That was a misunderstanding.

Q. I asked you pretty closely about that? A. Don't misunderstand me; I didn't consider that inside of the bath-room quarters door a corridor; where you mean inside of the door, the quarters door to the bath-room you call a corridor; I do not.

Q. I asked you if immediately outside of the bath-room door, and you testified there was.

By Judge Gilbert:

Q. There is a small hall that leads from the bath-room to this main corridor? A. Yes, sir.

Q. You saw blood in that hallway? A. Yes, sir.

Q. The inmates in going to their work or from their work didn't pass through that narrow hallway? A. No, sir; they did not.

Q. For what distance from the bath-room door did you see that blood; how many feet from that bath-room door did that blood extend? A. The hall is only about fourteen feet from the bath-room door; probably not as far as that.

Q. You saw it extend all along that fourteen feet? A. There were blood drops.

Q. And to the main corridor; I understand it was part of your duty also to look after the inmates while they were in their cells along your hall? A. Yes, sir.

Q. In your part of the prison? A. Yes, sir.

Q. Did you, at any time, see the persons or bare backs of any of the inmates after they had been punished and taken to their cells? A. I think I saw one man's back after he had been punished.

Q. What did you discover? A. Black and blue.

Q. For what space? A. The spot I don't think was as large as my hand.

Q. How long was it, clear across his buttock or back? A. No, sir.

Q. How many inches long and how many inches wide? A. The black part might have been a couple of inches wide and three inches long; the black and blue spot was right there (right buttock).

Q. What was that man's name? A. I don't remember.

Q. Consecutive number? A. I don't remember.

Q. A young lad? A. All young.

Q. Was this a young lad under 20? A. A young man.

Q. Did you see any of these inmate's backs at the time they were punished? A. Yes, sir.

Q. What marks, if any, did you discover on their backs at that time? A. Purplish blue.

Q. Many of them? A. Yes, sir.

Q. Nearly all of them? A. Yes, sir.

Q. Turn purplish blue at once upon receiving the blow? A. One blow would not cause it to turn purple.

Q. Before they left the room? A. Yes, sir; it depends upon the number of blows he receives; the degree of blackness.

Q. How many blows was the greatest number you know were administered at one time? A. I think about eight.

Q. About an average? A. No; I don't say that.

Q. The average number? A. From one up; the average number I think was from three to six.

By Mr. Litchfield:

Q. From three to six blows usually produced black and blue spots on the man? A. Six blows would be darker than if a man received three.

Q. If a man received eight blows would that bring the blood to the surface in little spots? A. No, sir.

Q. Didn't produce any blood blisters? A. No, sir.

Q. Not even if a man had pimples on his back? A. I think if a man had a blood pimple, a pimple that contains blood instead of pus, if a man's blood was impure he would sometimes have blood pimples on his buttock in particular, and there might be a drop of blood ooze out of that pimple, but on no other occasion.

By Judge Gilbert:

Q. Might not that have been a case where an inmate had been punished before ? A. No, sir.

Q. A case of first punishment you refer to ? A. Yes, sir.

By Mr. Litchfield:

Q. The inmate was punished three days consecutively, would that increase the black and blue spot materially or damage him there to any extent ? A. I don't know as it would.

Q. Would it heal up sufficiently in twenty-four hours ? A. I don't know what you mean by heal up.

Q. Would the pain and soreness disappear from the spot sufficiently so he could be respanked the following day with immunity? A. I think he could.

Q. A man might be spanked every day in the week and not suffer from it ? A. Yes, sir.

By Judge Gilbert:

Q. Do you know John Berkeley, inmate 2548 ? A. I don't recall him now; no, sir.

Q. Do you remember of his being punished in the bath-room ? A. I don't recall the man now.

Q. Do you remember Winnie in the bath-room struck any inmate ? A. No, sir.

Q. Upon any occasion ? A. No, sir; I never saw Winnie knock a man down; the method of his knocking him down, as you call

it, I will show you how he did; he would take a man there and crack his heels together.

Q. Take him where ? A. By the coat collar and crack his heels together and over he would go.

By Mr. Litchfield:

Q. In the scrimmage that followed, when the man was trying to get up, did you ever see Mr. Winnie strike a man ? A. No, sir.

Q. Never saw him hit him with his fist ? A. No, sir.

Q. Or with his hand ? A. No, sir.

Q. Ever see any other keeper do it ? A. I might have done it myself in a scrap, strike a man.

Q. When you struck them where did you hit them ? A. Most anywhere.

Q. Anywhere you could get at them ? A. Yes, sir.

Q. Strike them in the face ? A. Might have.

Q. Ever cause a bloody nose by doing that ? A. I might have; yes.

Q. You have seen bloody noses occasioned by those scraps as well as by the blows from the scrap ? A. Might have been caused by resisting.

By Judge Gilbert:

Q. You have been present when force was used in the bath-room to compel the inmate to take the position at the window and take his punishment ? A. Yes, sir; if a man would resist.

Q You have been present several times when that occurred and helped subdue, as it is termed, the inmate ? A. Yes, sir.

Q. And bring him under subjection ? A. Yes, sir.

Q. Do you say never, upon any occasion, was a prisoner struck when he was thus resisting by any of you ? A. Yes, sir; might have been.

Q. Don't you know that he was ? A. Yes, sir.

Q. By yourself ? A. Yes, sir.

Q. And by Halpin ? A. No, sir; Halpin was not in my time.

Q. By Winnie ? A. No, sir.

Q. You say he never struck one ? A. I say I never saw him strike one.

Q. Did you ever see the superintendent strike one of them ? A. No, sir.

Q. Or aid or assist in subduing him? A. No, sir.

Q. He would leave that entirely to you and Winne and others? A. Yes, sir.

Q. Usually who was present when these affairs occurred? A. Mr. Winne, Mr. McLaughlin and myself.

Q. Was McLaughlin a heavier man than yourself? A. No, sir.

Q. Lighter? A. I think he is.

Q. Usually when these inmates resisted you three were present? A. Yes, sir.

Q. You don't hesitate to say but upon those occasions you did strike the prisoners? A. I might have; yes, sir.

Q. Do you say it was necessary for you three people to strike or kick an inmate? A. I don't say that.

Q. Was it in self-defense? A. Yes, sir.

Q. How was it in self-defense when there were three of you to handle him? A. If a man resisted, and he refused to do as he was told, we took hold of him.

Q. That wasn't resisting? A. Wasn't that resisting?

Q. That wasn't resisting in such a way to make it necessary for you to strike him? A. I don't understand it that way.

Q. When a man was brought into the bath-room, and he was ordered to stand at a certain place and look in a certain direction, and he failed to do that, that you call resisting? A. Yes, sir.

Q. You say when a man resisted then you struck him? A. He might have got struck in a scrap.

Q. Didn't you strike him simply because he refused to take the position? A. I can't say the way you put it; if a man refused to go over there we subdue him.

Q. How did you commence that subduing? A. I can't now tell you; I don't know as I could explain it to you.

Q. Can't you tell what the subduing process consisted of and how you commenced it? A. The man would be grabbed and throwed down on the floor.

Q. And while down on the floor you would strike him? A. There would be a fight; the man would resist and strike and fight; a general scrimmage; I think, if a man goes in to fight he don't usually pay much attention where he strikes.

Q. In the first place you order him to go to the window? A. Yes.

Q. He fails to do it? A. Yes, sir.

Q. Then you seize him and throw him down? A. Yes, sir.

Q How can it be possible when he is down; is it necessary for you to strike or anyone else to strike him and kick him in self-defense, with three of you handling him? A. It is pretty hard for three men to get hold of one man.

Q. You do get hold of him and throw him on the floor? A. You say three men; no, sir.

By Mr. Babcock:

Q. Did you ever strike a man in the bath-room on more than one occasion that you recall? A. If we had a scrimmage down there might have struck another man; those cases are rare, see; those cases are rare.

Q. Seldom you have what you call a scrimmage where it is necessary to resort to blows? A. Yes, sir.

Q. Did you know an inmate named Adam A. Kenny, consecutive No. 2676? A. I think I have a faint recollection of Kenny.

Q. Do you remember being present when he was punished in the bath-room? A. I don't recall now as I was.

Q. Do you remember that this man was ever, at any time, while in the bath-room kicked by the superintendent, Mr. Brockway, in his side or upon any other part of his person? A. No, sir.

Q. You never saw Mr. Brockway, the superintendent, kick any inmate? A. No, sir.

Q. Upon any occasion? A. No, sir.

Q. Or in any part of the reformatory? A. Yes, sir.

Q. You say you never saw him strike him with anything else except the strap or the flat of his hand? A. Yes, sir.

Q. Did you ever see this man, Kenny, struck over the head with a strap in such a way as to make an abrasion or leave a scar upon his face? A. No, sir.

Q. Did you know an inmate named Leopold Cohn, consecutive number 2880? A. Yes, sir.

Q. Were you ever in the bath-room when he was punished? A. I think so.

Q. Did you ever, upon any occasion, while he was in the bath-room, kick him? A. No, sir.

Q. Did you ever have a tussle with him in the bath-room? A. No, sir.

Q. Did he ever refuse to obey orders there? A. No, sir.

Q. Never had any such trouble or controversy with him? A. No, sir.

Q. You say it isn't true that you ever, upon any occasion, kicked this man? A. Yes, sir.

Q. Was he, at any time, in the rest cure? A. I don't recall now.

Q. Don't you remember he was in the rest cure while you were there, continuously, for a period of about forty-three days? A. No, sir; I don't remember.

Q. You do know of men being confined in the solitaries? A. Yes, sir.

Q. Kenny testified that he was kicked by you in the rectum at least four times; is there any truth in that statement? A. No, sir; it is false.

Q. Never kicked him at all? A. No, sir.

Adjourned to Wednesday, January 31, 1894, 9 a. m.

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Wednesday, January 31, 1894.

Jesse S. McNish, recalled:

Examination continued by Judge Gilbert.

The witness.— Before we proceed I wish to clear up that case in regard to the blood in the hall; there was a misunderstanding, as I told you yesterday, in regard to the way he spoke in regard to the corridor. I said the corridor off of the bath-room. I understood that he meant the main hall, the prison proper. We never call the small hall to the bath-room the corridor.

By Mr. Litchfield:

Q. I understood that perfectly, and I also understand, and you know yourself, you answered me there was blood outside the bath-room door? A. I wish to correct that statement in that respect; I do not remember of seeing blood only once, as I told you, and that blood was in the hall, in the main corridor, but not in the small corridor that you had reference to.

Q. Your testimony would stand on the record as it is, and the committee will digest it as they see fit.

By Judge Gilbert:

Q. Just before we adjourned last evening I asked you particularly if you saw blood in the small hall leading from the bath-room, and you said you did; do you wish to correct that? A. Yes, sir, I do.

Q. You say that was false? A. The fact is the statement I wish to make was misconstrued, turned around.

Q. You don't understand my question; conceding that you misunderstood what was meant when they were speaking of the corridors, you afterwards, in answer to my question, distinctly stated that you saw blood in the corridor near the hospital door, and that you also saw blood in the small hall near the bath-room door; now, what I want to know is, if you now say that what you said with reference to seeing blood in the small hall near the bath-room door is false? A. I don't remember of seeing the blood in the small hall.

Q. He now corrects by saying he doesn't recollect of seeing blood in the small hall; in the corridor was this trace of blood, or these drops of blood, continuous along through the corridor? A. Yes, sir; there were several drops along.

Q. Through what corridor? A. The main hall, leading toward the solitary.

Q. How far apart were these drops of blood which you refer to? A. I should say about four or five feet.

Q. Ordinary drops of blood? A. Yes, sir; drops.

Q. Drop here and then drop four or five feet? A. Yes, sir

Q. How far did they extend along the corridor? A. I didn't follow them up in that respect; I saw the drops; I saw several drops.

Q. So far as the corridor is concerned, the drops terminated at the door of the hospital, but where they commenced in the corridor you can't say? A. I didn't notice them there first; I noticed them down this way.

Q. Did you first notice them near the hospital door? A. Down by the hospital.

Q. That is where you first noticed them? A. Yes, sir.

Q. You didn't follow all along the corridor to see where they first commenced? A. No, sir; I did not.

Q. Did you examine to see whether they commenced beyond the point where the small hall, you refer to, connects with the corridor? A. No, sir.

Q. Have you been talking with anyone in reference to this matter since we adjourned last night? A. Yes, sir; I was spoken to about it.

Q. With whom? A. Mr. Hoppe and I spoke about it

Q. After talking with Mr. Hoppe you changed your mind? A. No, sir; I told him it was a mistake; it was a misunderstanding on the part to tangle up the witness, I suppose, myself.

By Mr. Litchfield:

Q. Do you mean to say the committee were endeavoring to tangle you up; if you mean to say that you are saying a thing that is untrue and a lie?

By Judge Gilbert:

Q. You spoke first to Mr. Hoppe about it, and stated to him as you now state; that is, was a mistake; that you didn't understand? A. Yes, sir; I did.

Q. Do you know about an inmate named Hugh Lavery, consecutive number 3682? A. Yes, sir.

Q. Do you remember his being punished in the bath-room in the presence of yourself, Winne and Brockway? A. Yes, sir.

Q. Was Lavery at that time struck in the face by either the superintendent or yourself or Winnie? A. No, sir.

Q. Was a tooth knocked out of his head? A. No, sir.

Q. Nothing of that kind occurred? A. No, sir; I never saw a tooth knocked out of a man, and never heard a man complain of having a tooth knocked out.

Q. Did Mr. Winnie, upon that occasion, while you were in the bath-room, say to this man Lavery he was a "God damn house of refuge bastard?" A. No, sir; I never heard him use language of that kind.

Q. You never heard Mr. Winnie use profane language? A. No, sir; I never did; I will make an exception to that; possibly he would sometimes, but not in respect to the inmates or inside.

Q. Do you mean to qualify that by saying you never heard him use profane language to the inmate? A. Yes, sir.

Q. Upon any occasion? A. Upon no occasion.

Q. Do you remember whether, at any time in the bath-room, there was a scuffle between this man Lavery and the officers? A. No, sir; I do not.

Q. Do you say there never was any such occurrence? A. I can't say.

Q. Can't recollect? A. No.

Q. You don't wish to change the statement which you made yesterday to this effect, that in these scuffles the inmate was struck and kicked, wherever it happened? A. It depended upon the amount of resistence.

Q. When blows were given or he was kicked, the blows landed wherever they happened? A. Yes, sir.

Q. And if you are unable to recollect whether any such scuffle ever occurred between Lavery and the officers, of course you are unable to say what injuries he may have received if such scuffles occurred? A. I don't remember of Lavery ever having any scuffle or any trouble with him.

By Mr. Litchfield:

Q. Do you remember any man by name with whom you and the other keepers did have a scuffle in the bath-room? A. Yes, sir.

Q. Do you remember whether he was damaged in any way during the scuffle? A. He was not.

Q. What was his name? A. Kelly.

Q. What was his consecutive number? A. I think it was 1344, if I remember aright.

By Judge Gilbert:

Q. Do you remember an inmate named William Hansen, 3758? A. I don't recall the man.

Q. Wasn't he the man that you directed to clean up this blood that you refer to? A. I told some man to clean it up, but I don't remember the man.

Q. The same man you directed to clean up the blood in the corridor, was he the same one that you directed to clean up the blood in the bath-room? A. I never had a man clean up the blood in the bath-room.

Q. You never directed Hansen to clean the blood in the bath-room? A. No, sir; him or no other man.

Q. If he has made a statement to that effect you claim it is not true? A. Yes, sir.

By Mr. Litchfield:

Q. Did you clean up that blood yourself? A. Yes, sir.

Q. Did you clean up the blood yourself outside of the hospital door? A. I did not; that was the case where the man cleaned it up.

Q. In the bath-room itself you cleaned it up? A. Yes; Mr. McLaughlin or myself did that; if there was any blood.

By Judge Gilbert:

Q. Did you clean up blood on more than one occasion in the bath-room? A. I don't think I was asked that.

Q. Is it true you did clean up blood more than once in the bath-room? A. Yes, sir.

Q. Can you tell about how many times? A. I can't say exactly; might have been four or five times.

Q. Why did you direct an inmate to clean the blood in the hall, in the corridors, and not in the bathroom? A. The blood in the hall might happen at any time; a man might have a cut hand or something like that; the blood was there and I had him clean it up.

Q. Why did you always direct an inmate to clean the blood in the corridors, and always clean it up yourself in the bath-room? A. It never occurred only once to my recollection in the hall; in the bath-room we never allowed no inmate in there.

Q. Upon those occasions when you cleaned the blood up in the bath-room, do you know where the blood came from? A. From the nose.

Q. Of the convicts? A. Yes, sir.

Q. Can you state the particular cases, the particular inmates who shed the blood there? A. No, sir; I can not.

Q. You can't remember the inmates? A. No, sir.

Q. Did you direct this man Hansen to clean up from the floor of the bath-room the excrement left there by the inmates? A. No, sir.

Q. Did you ever, at any time, direct that to be done? A. I don't think I did.

Q. Who did clean that up? A. The man himself; the man who caused the muss.

Q. He was required to clean it up? A. Yes, sir.

Q. Was he brought back there after the punishment to clean it up, or was he required to clean it up right there at the time of the punishment? A. Yes, sir.

Q. Or whether he was brought back there afterwards? A. He cleaned it up at the time.

Q. So that if there were half a dozen or so waiting to be punished, the punishment was suspended until the inmate had cleaned the floor? A. A short time; yes, sir; that was the fact.

Q. You say that you never called upon this man Hansen, at different times, to clean the floor from this filth? A. No, sir.

Q. Upon any occasion? A. No occasion.

Q. When he state that he was called upon by you to clean the floor as many as twenty time during three months; the statement, you claim, is untrue? A. Yes, sir.

By Mr. Babcock:

Q In cases where there was blood in the bath-room, did that in every case come from nose bleed? A. I think so; yes, sir.

Q. Do you know whether those people whose noses bled on those occasions were susceptible or given to nose bleeding? A. I can't say as the men were.

Q. Do you know some men's nose bleed a good deal easier than others? A. Yes, sir; they do.

Q. What will you say of the treatment by Mr. Brockway of the inmates generally in the institution? A. Repeat that question, please.

Q. State generally what the treatment of the inmates has been by Superintendent Brockway, during your five years' experience in the institution; characterize it whether it was kind or cruel? A. His treatment was kind and impartial.

Q. How do you characterize the discipline? A. It has been usually good.

Q. You saw no cases of cruelty by him or by any of the officers of the institution? A. No, sir; I never did.

By Judge Gilbert:

Q. In your judgment, you think it was proper treatment when a prisoner was stationed at the window to receive his punish-

ment, and was directed to look in a certain direction, if he turned to look in a different direction for Mr. Brockway to strike him over the head, and with such force as to make his nose bleed or to blacken his eye? A. Well, I don't think that was hardly right.

Q. You wish to modify the answer you gave to Mr. Babcock? A. His treatment was kind to the prisoners.

Q. You wish to modify the answer you gave to Mr. Babcock, at least, to that extent? A. Yes, sir.

Q. As far as those blows were concerned you don't think they were? A. No, sir.

Q. I am requested to ask you if you know anything about a dark cell in the vicinity of the boiler-room? A. No, sir; I never knew of it until I read of it in the paper.

Q. You never were in it or saw it? A. There is a room there I know; I used to go in the sub-cellar at different times, and there is a room there that has grated doors, but I never knew it was a cell until I read it in the papers; I always supposed it was part of the receptacle for coal at the time they had the boilers under the domestic building under the prison proper.

Q. You say you never knew it to be used for the purpose of confining an inmate? A. No, sir; never.

Q. I am requested to ask you some general question; have you, at different times, seen inmates that have been in the bath-room and punished there, afterwards having upon their faces black and blue marks; black and blue around their eyes or cuts upon their faces? A. I saw men with black eyes; I think I made that statement yesterday.

Q. You stated yesterday about the number? A. I don't know that I stated the number.

Q. About how many different inmates? A. It was a rare occasion.

Q. During the five years that you were connected with the reformatory, how many different inmates did you see with bruises upon their faces, indicating they had been subjected to severe punishment; those that you know had been in the bath-room and been punished there? A. It might possibly be half a dozen in three years.

Q Are you in the habit of using profane language yourself? A. No, sir.

Q. Did you ever use profane language to any of the prisoners? A. No, sir.

Q. Any other persons? A. No, sir.

Q. Do you use tobacco in any way? A. No, sir; I do not.

By Mr. Litchfield:

Q. When Mr. Brockway received a man in the bath-room for admonition, have you ever seen him touch that man sharply with his open or closed hand on his body, or on the jaw, or in the face before the punishment began, or where there was no punishment at all? A. I stated yesterday I have seen him slap a man with his hand for turning his head; that is the only case.

Q. That is during the punishment? A. Yes, sir.

Q. I mean before punishment, during the admonition? A. No, sir.

Q. You never saw him touch one in any way? A. No, sir; I never did.

By Mr. Babcock:

Q. I want to know if the superintendent instructed you or prohibited profanity by the keeper? A. Yes, sir; it was against the rules to use profanity.

Q. How as to striking inmates; were you prohibited from doing that? A. Yes, sir; no officer is allowed to strike or maltreat an inmate in any way.

Q. You have stated, in answer to Judge Gilbert's question, that you did not know that this coal-room was used for the purpose of confining prisoners; do you not know that it was not used for any such purpose while you were here? A. Yes, sir; it was never used for that.

By Judge Gilbert:

Q. Do I understand you it is part of the printed rules and regulations of the reformatory an officer shall not use profane language to an inmate? A. Yes, sir.

Q. It is also a part of the same rules he shall not strike or ill-treat an inmate? A. Yes, sir.

Q. When you saw Winnie and others strike inmates, knowing that these were the rules, did you report the facts to the superintendent? A. I never saw any man strike a man or in any way use violence on him, unless the man resisted.

Q. As you understood it, under the rules if an inmate resisted an officer and it was necessary for the officer to use force in self-defense, it was not a violation of the rules? A. Yes, sir.

Q. Have you since you came here had any conversation with Mr. Winne in reference to this matter? A. No, sir; have not.

Samuel L. Meddaugh, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Where do you reside now? A. Auburn.

Q. What is your occupation? A. Prison official.

Q. What capacity? A. Hall keeper.

Q. At Auburn? A. Yes, sir.

Q. For how long a time? A. As hall-keeper about seven months; I have been at the prison going on eight years.

Q. Prior to going to Auburn where did you live? A. Elmira.

Q. What was your occupation here? A. Keeper at the reformatory.

Q. From what time to what time? A. From June, 1877, to August, 1886.

Q. You were connected with the reformatory about the time of its starting? A. About a year later.

Q. What have you to say with reference to the discipline of the reformatory down to the time that you left? A. Always good discipline at this insitution at the time I was here.

Q. You have no fault to find with it? A. No, sir; none whatever.

Q. While you were an officer here did you know an inmate named William Parks? A. I did.

Q. Consecutive number 1928? A. I don't remember the number; he worked in the shop of which I was the keeper.

Q. Do you remember his jumping off the gallery, third tier, on the flags below? A. I do.

Q. Did you see it? A. I saw him after he struck the floor; not when he jumped off the gallery.

Q. Did you see this man before he jumped? A. Yes; within a minute or two, as he went off the gallery.

Q. Was there any one pursuing him as he went off the gallery? A. No, sir; there was not.

Q. Do you know why he jumped off the gallery? A. Only what talk I heard among the convicts in the shop.

Q. You heard nothing of the matter from what this convict himself said just before? A. No, sir; I do not.

Q. Do you remember what time in the day it was? A. After we marched in to dinner time.

Q. Short time after 12 o'clock? A. Yes, sir.

Q. Did you help pick him up from the flagging? A. No, sir.

Q. Did you see him picked up? A. I did.

Q. Was he abused or injured while on the flagging? A. He was not.

Q. Do you remember who took him up? A. I think that some of the inmates working about the hall carried him over to the next block, and some of the officers came down from where the count was being made, and raised him up, and carried him through the doors to the hospital.

Q. Is that all you know about it substantially? A. Yes, sir.

Q. Do you know whether this man had been punished before this or not by being taken to the bath-room and paddled? A. I do not; I know he was reduced in grade.

Q. Was he reduced in grade just before this occurred? A. The same day, I think; that was the first I knew of it.

Q. He had been reduced in grade; what grade was he in? A. Second grade.

Q. He was reduced to the third? A. To the third.

By Mr. Litchfield:

Q. Was he in the red suit when he jumped? A. I don't know whether he had the red suit or not; he was in the third grade suit.

By Judge Gilbert:

Q. And had been reduced that day? A. I am not positive it was that day, but he came back to the shop that day.

Q. What shop was he working in? A. Foundry.

Q. Did you have charge of that shop? A. Yes, sir.

Q. Do you know why he was reduced? A. He wasn't doing his work satisfactorily.

Q. Was that the reason why he was reduced in grade? A. As I understood it.

Q. As you recollect it, he had not been actually punished or paddled because of that failure to do his work? A. I didn't understand that he had been.

Q. Do you know whether he had been or not? A. I do not.

By Mr. Litchfield:

Q. Did he break one or both legs? A. I understood both ankles were broken.

Q. How much of a jump was it? A. I should think somewhere from thirty to thirty-five feet.

By Judge Gilbert:

Q. I understood you to say he came to the shop in the fore part of the day? A. Yes, sir.

Q. On going to his room or cell at the close of the forenoon work at noon this occurred? A. Yes, sir.

Q. You didn't see him jump? A. I didn't see him jump; I was on the opposite side of the block.

Q. You saw him when he was going up the stairs? A. He was going up the stairs on one side and I on the other; I was counting around.

Q. He was in sight so you could see him? A. Not when he jumped.

Q. As he went up the stairs? A. As he went up the stairs I watched all of them.

Q. You say no one was pursuing him then? A. There was no one pursuing him then.

Q. You can't say, then, that no one was pursuing him when he jumped? A. There was no other officer in that portion of the prison at that time of day but myself; that is why I say I saw no one pursuing him; there might have been a convict pursuing him.

Q. Where was the man's cell? A. It was on the third tier; I don't know exactly what one; it was somewhere near the middle.

Q. As he went to this point did he take the course he would naturally take in going to his cell? A. The last I saw of him was on his gallery, going towards his cell.

Q. Was he moving along in the ordinary way? A. In the ordinary way.

Q. Was the third tier the top tier? A. No, sir; the fourth tier is the top tier.

Q. One tier above this? A. Yes, sir.

Q. Do you know whether Winnie and Beach were in that vicinity or not, in that part of the reformatory? A. Not at the time the man jumped.

Q. Just about that time? A. Mr. Beach and some other officers, I don't remember who came down there after the word was taken up to them that the man jumped off.

Q. Did you see Beach or Winnie in that part of the reformatory just before he jumped? A. No; I know they were not.

Q. Where were they? A. They were at this end of the hall, where the count was usually made at that time; Mr. Beach had the book they made the count in; he always stayed there until the officers brought in the count from different parts of the prison.

Q. Immediately after that count was completed do you know where Beach and Winnie went? A. I think they went in to their dinner; the man had been taken into the hospital before the count was completed; I am not positive Beach went to his dinner.

Q. Where a man is chalked in and reduced in grade, say, for instance, in the forenoon, is it usual for the officers to take him to the bath-room, or to punish him, or do anything more until after the dinner hour? A. I don't know what time of day they were punished.

Q. You don't know whether Winnie and Beach were in pursuit of this man, or making an effort to take him to any particular part of the reformatory just before dinner or not? A. I know they were not.

Q. Or just before he jumped ? A. I know they were not.

Q. What have you to say with reference to Mr. Brockway's treatment of the inmates generally while you were connected with the reformatory, so far as you were able to see and know ? A. As far as I was able to see he treated them very nicely, I think.

Q. Were you ever present in the bath-room when they were punished ? A. I was not.

Q. So you don't know anything about what the treatment was there ? A. I do not.

Q. So far as you saw, or knew anything about Mr. Brockway's treatment of the inmates at the time while you were connected with the reformatory, you claim it was proper and right ? A. I do.

Mr. Hoppe.—I desire to read that William Parks was received March 14, 1885; that he was, on March nineteenth, assigned to work, and sent out to the work-shop; on the twentieth of March he was locked up by order for refusing to work, and kept in his room until the twenty-third; on the twenty-third of March he jumped off the gallery coming from the work-shop, as shown by the record.

Luke Henry Halpin, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Where do you reside? A. Tarrytown, N. Y.

Q. What is your present occupation? A. I have none at present.

Q. How long have you resided in Tarrytown? A. I was born there.

Q. What is you age? A. Twenty-five past.

Q. Were you ever, in any way, connected with the Elmira reformatory? A. I was.

Q. In what capacity? A. As a paroled officer.

Q. An inmate officer or citizen officer? A. An inmate officer; paroled officer is the term we went by.

Q. When were you sent to the reformatory? A. In October, 1887.

Q. Up to what time were you connected with the reformatory? A. For a year, until October or November, 1888, I believe.

Q. All together? A. About five years, as near as I can remember.

Q. While acting as a paroled officer what position did you hold? A. Number of different positions; I was at one time, before leaving, acting principal keeper, or second officer we call it.

Q. For how long a time did you act in that capacity? A. As near as I can judge about a year; a year and a half, say, would be the outside, I believe.

Q. During that time were you present in the bath-room when inmates were punished? A. Yes, sir.

Q. Frequently? A. Yes; on almost every occasion.

Q. While you were connected with the reformatory did you become acquainted with a man by the name of Ana Cook, consecutive No. 1832? A. Yes, sir.

Q. Was he at any time punished in your presence in the bath-room, and in the presence of Winne and Sample? A. I don't remember; I can't recall his particular case.

Q. Don't you remember, upon one occasion, Cook resisted while he was in the bath-room, and that you had some difficulty with him in compelling him to submit to the punishment? A. No.

Q. Don't remember anything about it? A. No, sir.

Q. While there, or did you, upon any occasion, ever kick this man Cook in his stomach? A. No, sir.

Q. Or in any part of his body? A. No, sir.

Q. Did you see anybody else kick him or strike him? A. No; I remember the man quite distinctly, but I don't remember having an altercation with him; I swear positively I did not.

Q. Nor you didn't see anyone else kick him in the stomach? A. I did not.

By Mr. Litchfield;

Q. You don't remember having any altercation with him at all in the bath-room, or any struggle with him in the bath-room? A. I do not.

By Judge Gilbert:

Q. Do you recollect any occasion when this man Cook was taken to the bath-room and punished there? A. I wouldn't care to swear that I do not remember an occasion; I have an indistinct recollection that he was taken there; I don't recollect positively about it; I have an indistinct recollection that he was there.

Q. Do you recollect whether, upon that occasion, or any other, he resisted, and in order to compel him to submit to the punishment force was used? A. No, sir; I do not.

Q. Do you remember that you and Sample and Winnie were present when he was taken to be punished? A. I don't recall his being taken there to be punished.

Q. Do you remember when Sample, Winnie and yourself were present in the bath-room when inmates did resist and force was used to compel them to submit? A. Yes, sir; I do.

Q. Did that occur quite frequently? A. Rather.

Q. In your effort to compel the inmate upon an occasion of that kind to submit to the punishment, were they thrown upon the floor? A. Yes, sir.

Q. And struck and kicked? A. Not kicked; they were simply subdued; whatever force it took to subdue them — only necessary force.

Q. I ask you in connection with that, were they struck by either one of you officers? A. Yes, sir.

Q. Were they kicked by either one of you officers? A. Never.

Q. Or thrown with force upon the floor? A. The may have been thrown with force; not unnecessary force; just sufficient part in the subduing the men.

Q. You three would join in the effort to subdue them? A. Two.

Q. What would the third one do, stand and look on? A. Two were all that were in there as a rule.

Q. I understood you to say there were instances when Winnie, Sample and yourself were all three present? A. Two would take part in the subduing the men.

Q. The third man would stand and look on? A. Stand outside.

Q. Do you mean to say there never was any occasion when the three joined in subduing an inmate? A. There may have been one or two occasions.

Q. The truth is, your recollection now in relation to these occurrences is quite indistinct? A. Some of them happened long ago.

By Mr. Litchfield:

Q. You left the reformatory in 1888? A. No; in 1893.

By Judge Gilbert:

Q. Do you recollect this man Cook wrote a note to someone in the reformatory? A. I do.

Q. Did you get possession of the note? A. Yes, sir.

Q. Was that one of the reasons why he was taken to the bath-room and punished? A. I don't remember if he was taken to the bath-room on that occasion.

Q. Did Cook admit writing that note to you? A. He did.

Q. What was the general character of the note? A. It was a licentious note; vile note.

Q. The contents of the note were licentious? A. The contents of the note.

Mr. Babcock.—I would call attention to the fact that the record shows he was spanked only three times, while he testifies he was spanked nine times.

Q. Were you acquainted with an inmate named Leopold Roseman, consecutive number 2756? A. I was.

Q. Do you know whether this man Roseman was punished in the bath-room or not? A. Yes, sir; he was.

Q. Frequently? A. I remember one or two occasions; I wouldn't care to say more than that; may have been one or two more occasions when he was spanked.

Q. Where was he usually confined, what part of the reformatory? A. I couldn't say that.

Q. Was he kept in the rest cure for a period of about six months? A. I couldn't say that; I could state almost positive he was not.

Q. Do you know what his fare was during that time, what he was given to eat? A. No, sir.

Q. Was it part of your duty to oversee the men or take charge of them that were engaged in the foundry? A. No, sir.

Q. Do you know anything about this officer, Sample, upon one occasion ill-treating Roseman? A. No, sir.

Q. What have you to say in reference to this: This man, Roseman, claims upon one occasion yourself and Sample jumped on him and dislocated the joint of one of his fingers; anything of that kind ever occur? A. No, sir.

Q. Did you ever have any collision with him? A. I remember one time he was to hold him; he resisted; he fell down on the floor, and we had to take him up and stand him up on his feet again; we didn't have any altercation that would lead to the breaking of any bones or limbs, very slight affair; he was taken in for punishment and wouldn't be punished, so we took hold of him.

Q. This occurred in the bath-room? A. Yes, sir.

Q. He resisted? A. Yes, sir.

Q. What did you do? A. We simply took hold of him and moved him over toward the place where we usually stood men up to be treated.

Q. Did he, upon that occasion, fall upon the floor, or was he thrown? A. He fell himself.

Q. While upon the floor did either you, or Sample, or Winnie kick him in the ribs or head? A. No, sir.

Q. Did either of you, while he was on the floor, strike him? A. No, sir.

Q. What did you do? A. We simply lifted him up, took him by the coat or arm and lifted him up on his feet again.

Q. Did he attempt to strike you? A. No, sir.

Q. Or either of you? A. No, sir.

Q. Or kick you? A. No, sir; he refused to stand up.

Q. Upon these occasions, or any of them, was he struck at one time four or five blows over the head by Mr. Brockway? A. No, sir.

Q. Was he struck at all over the head by the superintendent? A. He may have been struck once; I never in my time saw the superintendent strike a man over the head.

Q. After these punishments did you see Roseman's back? A. Yes, sir.

Q. See any marks or bruises on his back caused by the punishment? A. There would be a discoloration of the skin.

Q. What do you mean by that? A. It would be discolored; it would be, perhaps, purple; a little blue.

Q. In the case of this man, where was the punishment inflicted? A. On his buttock.

Q. How was it on other occasions when you were present? A. On the buttock.

Q. The punishment was upon that part of the buttock? A. Yes, sir.

Q. Was this man ever confined in the solitary and kept on bread and water? A. I couldn't state that positively.

Q. Do you ever know of his being chained in the solitary? A. I can't say that I do.

Q. Do you remember whether he was in the solitary or not? A. I don't remember his particular case that he was there.

Q. Do you know of any man being confined in the solitary and chained in any way there? A. Yes, sir.

Q. For any great length of time? A. Five days, I think, is about the maximum number of days, as near as I can remember.

Q. Do you say in no instance was an inmate chained in the solitary for a longer period continuously than five days? A. That is to the best of my knowledge and belief.

Q. You can't say that positively? A. There may.

Q. You never noticed any scars upon this man's head? A. No, sir.

Q. Was this man, so far as you know, ever chained to the bar, sitting on a stool? A. No, sir; he never was.

Q. Was there ever any inmate chained in that way as far as you know? A. No, sir; not in the time I was hall keeper or acting principal keeper.

Q. How were they usually chained? A. They were chained by their right hand to what we call a sliding ring to the bar.

Q. Did you ever know of an inmate to be chained by one hand to a ring in the corner of the cell? A. I don't say I do remember.

Q. You don't remember? A. No.

Q. Were there any dark cells in the reformatory? A. We could make them dark by closing the blinds; they weren't really dark cells.

Q. What cells could you make dark; the solitaries? A. The seclusion cells we call them.

Q. Were they usually darkened? A. Rarely.

Q. I ask if they were at any time? A. I remember once or twice, I think, that I went in there to visit a man and found them closed, and opened them myself; they would become closed by accident sometimes, by wind or something.

Q. Do you mean to say they were never intentionally closed? A. Not to my knowledge.

Q. Was there any rule with reference to the closing of those blinds? A. I think there was such a rule.

Q. Not a printed rule? A. I never saw it in print.

Q. There was a rule of the reformatory they should not be closed? A. I think there was such a rule; I think the superintendent's desire was the blinds should be left open at all times.

Q. Was there any rule expressed, to the effect that the officers were to see to it that those blinds were not closed? A. There was such a rule; it was not a written rule; it was an understood thing between the officers they were to be kept open.

Q. Did you ever close those blinds or direct them to be closed? A. No, sir.

Q. Upon any occasion? A. No, sir.

Q. Knowing of the existence of that rule when you found they had, from any cause, been closed, did you always open them? A. I did; yes, sir.

Q. How frequently did you visit that part of the hall? A. I couldn't say; sometimes I would be there two or three times a day; other times I would not be there for three, four or five or six days to weeks; there wouldn't be anybody confined there.

Q. In what part of the reformatory were you required to be in order to perform your duties? A. All around the reformatory, inside the inclosure; all about the place.

By Mr. Litchfield:

Q. Do you mean to say you never saw a prisoner confined in those three-corner cells by handcuffs to the ring in the floor? A. Not to my knowledge and belief I did not.

Q. Never heard such things were done? A. No; I very often put the men in there myself; while I was hall keeper I, perhaps, put a number of men in there; there is a ring that slides up on a bar; they would be handcuffed to that ring so they could use their hand.

Q. Is there not also a ring in the floor in the corner, somewhere on the floor of the cell? A. I don't think so.

Q. Are you positive of that? A. I am not positive there is not, but I never observed any if there is one there.

Mr. Hoppe.—I wish to read the following in connection with Roseman; "2756, Leopold Roseman was spanked eight times while at the reformatory, was in seclusion from October 10 to October 14, 1889, from November 5 to November 12, 1889, and in the rest cure from January 2, 1892, to March 17, 1892; when admitted he claimed good health, but right hand bone broken and left wrist defective; record of scars as follows: Three scars on back of right hand; second joint of third finger gone; scar on right eyebrow; two scars on top of head; scar on back of right side of head."

By Judge Gilbert:

Q. Did you know an inmate named James Crumby, consecutive number 3004? A. Yes, sir.

Q. Was he at one time charged with the crime of sodomy? A. Yes, sir.

Q. Was a court-martial held? A. Yes, sir.

Q. To investigate the matter? A. Yes, sir.

Q. Were you one of that court-martial? A. Yes, sir.

Q. Did Crumby, upon that occasion, admit that the charge was true? A. I don't think he did; he denied it.

Q. There was a hearing given? A. Yes, sir.

Q. What witnesses were sworn or were brought before you and made statements in support of the charges? A. I don't recall at this sitting.

Q. Do you remember an inmate by the name of Nicholson? A. Yes, sir.

Q. Do you remember whether he was brought before you or not? A. He was brought before the investigating committee.

Q. Did he make a statement in support of the charges? A. I don't recall now.

Q. An inmate by the name of Ogden? A. Yes, sir.

Q. Do you remember whether he made statements in support of the charges or not? A. I don't recollect that.

Q. An inmate named Wiley? A. I remember Wiley.

Q. Was he before you? A. Yes, sir.

Q. In support of the charges? A. I can't recall the exact testimony that was given by the witness at that time; I recall the witnesses and the general charges, but I don't recall any specific charges

Q. Where was this court-martial held? A. In the superintendent's office, part of it; the first part of it in what we call No. 4, in the reception-room, down in the lower part of the extension.

Q. In the bath-room? A. No; the reception-room.

Q. Do you say Crumby was present? A. He was brought in there at times; the whole four where in there; there were four on the investigating board, and it was necessary some of us should be around the prison at times; and I may not have been there when Crumby was in; I can't remember distinctly; I can remember one occasion at night that he was there; Mr. Hoppe, or Colonel Bryan or some one of the board was talking with him; it is a little indistinct to me now.

Q. You haven't a clear recollection of what occurred on that court-martial? A. I haven't now; I might be refreshed by referring to the evidence.

Q. Have you any distinct recollection that Crumby was brought before you as a member of that court-martial, that he had given him a full opportunity to make a statement in reference to the matter? A. I have not.

Q. What can you say as to whether Crumby did or did not have a full opportunity given him to confront the witnesses or parties who charged him with the commission of this offense? A. To the best of my knowledge and belief —

Q. What do you know? A. I can't recollect positively about it; I have an indistinct recollection of the whole affair; it would be hard for me to remember any particular case.

Q. Do you know about how many witnesses were called all together in that investigation? A. I should say about thirty.

Q. I mean the Crumby case? A. Not that particular case.

Q. That is what I am inquiring about? A. I should say about five.

Q. As you recollect it, Crumby claimed he was innocent? A. He did.

Q. At that time was Crumby an inmate officer? A. Yes, sir.

Q. Paroled officer? A. Yes, sir.

Q. Very soon after the conclusion of the court-martial, as you understand it, he was sent to one of the State prisons? A. Yes, sir.

Q. What conclusion did the court reach in his case? A. That he was guilty; I recall that each one that went to make up the court felt positive the evidence was so overwhelming in each one

of the cases; where there was the slightest doubt there was not a conviction; it was only where the evidence was overwhelming.

Q. Did you concur in the conclusion of the other members? A. Yes, sir.

Q. Were the members of the court unanimous in their opinion in reference to his case? A. Yes, sir.

Q. At that time you were an inmate paroled officer, too? A. Yes, sir.

Q. Was that grade a higher or lower grade than the office that was held by Crumby? A. It was similar; my position as acting principal keeper, by virtue of it I was due more respect.

Q. Did you hold a position in the military? A. Yes, sir.

Q. What was that? A. Lieutenant-colonel.

Q. Did Crumby hold a position in the military, too? A. Yes, sir.

Q. What was that? A. Major.

Q. Upon that investigation, or just before or just after, did Crumby, at any time, in your presence, admit to Mr. Hoppe or anyone else that he was guilty of the crime? A. I can't say that he did; can't recall it.

Q. There was quite a good deal of excitement in the reformatory in reference to the charges that were made against this man and others? A. Yes, sir.

Q. Weren't you also informed, or wasn't it intimated to you, that you, too, was implicated? A. No, sir.

Q. Intimated to you that charges might be preferred against you? A. No, sir.

Q. Nothing of that kind? A. Nothing of that kind; not the slightest intimation of it.

Q. Did you, at any time, have any apprehension that you might be falsely charged? A. No, sir

Q. Or that accusations might be made against you? A. No, sir.

Q. In consequence of ill-feeling that might exist on the part of some inmate? A. No; I never had any such apprehension.

Q. Your relations with the inmates were of such a character that you never had any reason to apprehend they would ever make any charge of any kind against you? A. Yes, sir.

Q. You never conducted yourself in such a manner as to excite on the part of inmates ill feeling toward you? A. I don't imagine that I have.

Q. You didn't know at the time there existed any such feeling? A. No, sir.

Q. And therefore hadn't any such apprehension? A. No, sir.

Q. Were parties charged in that connection that, upon investi gation, were found not to be guilty ? A. I recall one case; I thinl that is all.

Q. How many different ones were charged with that offense and how many, as you recollect it, were found guilty ? A. I should judge in the neighborhood of forty-five or fifty.

Q. As you recollect it only one was found to be innocent ? A. Yes, sir.

Q. By this court ? A. There was one I recall.

Q. All the rest were found guilty ? A. Were found guilty.

Q. And as you understand it, upon the strength of your finding the entire forty or fifty were transferred from the reformatory to the state prison to undergo their punishment there? A. That is what occurred after the result of the investigation.

Q. I refer to it to see the working and see how responsible the position was you gentlemen were filling ? A. Afterwards the superintendent went all over it.

Q. You made a report of your findings ? A. Yes, sir.

Q. To whom ? A. To the superintendent.

Q. That report, as you understand it, was concurred in by the superintendent ? A. Yes, sir.

Q. Do you know whether the superintendent instituted any further inquiry, any additional inquiry to that which you had made ? A. Yes, sir.

Q. Were you present at that inquiry ? A. No, sir; I was not.

Q. Do you know who appeared before him and gave evidence in reference to the matter ? A. Each of the men who appeared before the previous investigating committee.

Q. Do you know whether any one of those who went before your board for the purpose of giving evidence was just, before they gave that evidence, taken to the bath-room and punished ? A. I recall one case.

Q. What is his name? A. Facey.

Q. Were you present when he was punished ? A. I was.

Q. Did you take part in the infliction of the punishment ? A. No, sir.

Q. You simply witnessed it ? A. Yes, sir.

Q. Upon how many different occasions was he subjected to punishment ? A. Once.

Q. Do you mean by that he was only in the bath-room once ? A. He was in the bath-room twice.

Q. On one day ? A. The same day.

Q. Do you mean to say he wasn't punished upon each one of those occasions ? A. Yes, sir; I mean to say he was not.

Q. He was only punished once ? A. Once.

Q. The first or second ? A. Second.

Q. In what manner ? A. In the manner in which others have been spanked.

Q. You mean spanked ? A. Spanked.

Q. Do you remember how many blows he received ? A. No, sir; I do not.

Q. Can you describe that fellow ? A. I guess I can.

Q. Do so ? A. He was a boy 19 years old, about five feet seven or six and three-quarters, weighed in the neighborhood of 130 or 135; I can't recall the color of his eyes, but that is about his description.

Q. When he was first taken to the bath-room who was present ? A. Mr. Hoppe and myself.

Q. Anyone else ? A. The superintendent, of course.

Q. Do you say that was all ? A. Yes, sir; that is all I remember.

Q. Wasn't Winnie there ? A. No, sir.

Q. Or Sample ? A. No, sir.

Q. What time in the day was that ? A. I can't recall the hour.

Q. Was it the fore part of the day ? A. I think it was in the afternoon, if I am not mistaken.

Q. I am now referring to the first time ? A. I can't recall.

Q. It is your opinion it was in the afternoon? A. I think it was right after dinner.

Q. Why was he taken to the bath-room upon that occasion ? A. He wouldn't answer questions put to him by the investigating committee.

Q. What do you mean by that ? A. He was asked questions and he quibbled, didn't care to answer.

Q. Wasn't he asked questions as to whether these men that were charged, or certain ones of them, were or were not guilty ? A. Yes, sir; he was asked such questions; these are some of the questions.

Q. Didn't he, upon that first occasion, say they were not guilty? A. I think not.

Q. Didn't he deny ? A. To the best of my belief he partially admitted some statements, and made statements that convinced the board that he was lying; he was an unwilling witness, didn't care to tell things, and each of the four who were sitting there were convinced that he wouldn't tell; he had the manner of toughness, we call it, and didn't seem to care whether he gave any information or not.

Q. Wasn't the question squarely put to him as to whether these men, or some particular one of them, was guilty or not ? A. I can't say that it was; I can't say that was the first question that was asked.

Q. Didn't he claim upon that occasion that they were not guilty or that he didn't know anything about it ? A. I can't recall that.

Q. Didn't he claim that they were not guilty ? A. They didn't ask any such question, to the best of my belief.

Q. Wasn't the question asked him as to whether this improper conduct had or had not occurred between him and others ? A. It might have been asked.

Q. Wasn't it asked ? A. Perhaps it was; I don't remember it.

Q. Didn't he deny it ? A. I can't say that; I can't say that he did.

Q. If he didn't deny it why was he taken to the bath-room to be punished ? A. His own guilt is what we were trying to establish, as near as I can remember; he may have been asked the question if he himself was guilty of any such licentiousness.

Q. The admission that he was guilty of such licentiousness necessarily involved the guilt of others? A. Yes, sir.

Q. Isn't it true he denied that guilt both on the part of himself and others? A. I don't think that was.

Q. Explain why it was he was taken to the bath-room to be compelled to admit it? A. He wouldn't answer a good many of the questions.

Q. I am asking if some of the questions were not of that character? A. I can't recall the nature of the questions; there were some question.

Q. In short then, the truth was that some questions were put to him in reference to the matter that he refused to answer? A. He didn't refuse to answer the questions; he acted as though he didn't care.

Q. Was he taken to the bath-room to be punished because of his peculiar manner, or was it because he refused to answer certain questions? A. In my opinion it was his manner.

Q. He was punished because of his manner; do you mean to say that? A. Yes, sir.

Q. And not because he refused to answer any questions? A. He wasn't punished when he was taken to the bath-room the first time.

Q. But he was taken to the bath-room the first time for some reason? A. Yes, sir.

Q. You say the reason why he was taken to the bath-room was because his manner wasn't satisfactory to you? A. That is my opinion.

Q. That is it? A. Yes, sir.

Q. You were punishing him for that or threatened to punish him for that; is that it? A. Mr. Hoppe, I imagine, told him he

would bring him up to see the superintendent if he didn't change his manner; some assertion.

Q. Now when you took him to the bath-room then, or he was taken to the bath-room on the first occasion and you were present? A. Yes, sir.

Q. Hoppe was present? A. Yes, sir.

Q. And Mr. Brockway was present? A. Yes, sir.

Q. And you say those are the only ones that were present? A. Yes, sir.

Q. What did he say then when you asked him or he was asked if he would answer certain questions? A. He said he would.

Q. Then his manner was satisfactory to you? A. Yes, sir; at that particular moment.

Q. But now it seems from the answer which you have just given that he was permitted to leave the bath-room because he promised that he would answer certain question? A. His manner changed altogether when he saw the superintendent, and he said he would answer frankly.

Q. His manner changed the moment he said he would answer the questions? A. Yes, sir.

Q. Then he was taken from the bath-room without being punished? A. Yes, sir.

Q. And taken before the court again? A. Yes, sir.

Q. Why was he taken back to the bath-room the second time? A. He got in the same condition; perhaps later on he answered a number of questions satisfactorily, and then he began the same actions that he did at first; he acted in the same manner he did at first.

Q. And he was taken back to the bath-room? A. Yes, sir.

Q. Upon that occasion when he was taken before the court the second time, didn't he then refuse to answer certain questions? A. I don't think that he did after he was taken back from the bath-room.

Q. Didn't he then refuse to answer certain questions? A. Yes sir; after he was taken back; not directly afterwards; he answered a number of question.

Q. Some of the questions relating to his guilt or innocence, or relating to the guilt or innocence of some one of these parties that were charged? A. The best of my recollection is that he did.

Q. Then he was taken to the bath-room again? A. Yes, sir.

Q. Who was present upon that occasion? A. The superintendent, Mr. Sample and myself.

Q. Anyone else? A. I don't think anyone else.

Q. Do you say anyone else was present? A. I am quite positive there was not.

Q. Upon that occasion was he punished? A. He was.

Q. Punished up to the time that he consented or stated that he would answer questions? A. No; I can't recall that; I think he received a number of spats.

Q. And did he finally, while he was standing at the window receiving the punishment, did he finally say he would answer the questions? A. He did, I think.

Q. And that he would admit his guilt? A. He had previously.

Q. No, answer that; did he, while standing at the window receiving the punishment, admit or state that he would answer the questions and admit his guilt? A. I don't recall the conversation that took place between him and the superintendent.

Q. Did that occur? A. Not to the best of my recollection.

Q. What was it that he said or done that caused the superintendent to stop punishing him? A. I can't say positively what it was.

Q. Don't remember what it was? A. No, sir.

Q. Can't tell anything about it? A. I don't remember the exact conversation that took place between him and the superintendent.

Q. I want to know if you now say that you haven't an impression as to why it was that the superintendent stopped punishing him? A. I have an impression.

Q. What was it? A. That he agreed to change his manner and give the information that he had in his possession.

Q. To give the required information? A. Yes; that is my impression.

Q. That is the officers or superintendent were requiring this man to give certain information against himself and these other inmates; isn't that so? A. Yes, sir.

Q. And he finally consented to give that information? A. That is my opinion.

Q. Upon condition that they would stop punishing him? A. Yes, sir.

Q. And upon that condition the punishment did stop? A. Yes, sir.

Q. And he was taken out of the bath-room? A. Yes, sir; he wasn't taken out; he was sent out.

Q. As I understand it, there was yourself, strong, able-bodied man, aren't you, was at that time? A. Yes, sir.

Q. Standing over this fellow or present there? A. Present; not over him.

Q. Mr. Hoppe? A. Not Mr. Hoppe; Mr. Sample.

Q. He was a strong, healthy man? A. Yes, sir.

Q. And Mr. Brockway, also a strong, healthy man, and you three were there engaged principally in an effort to compel this

man to admit his guilt and admit the guilt of others; isn't that so ? A. The superintendent was — we were all present; yes.

Q. Isn't it true that these men, or some of them, mainly were found guilty or convicted upon the strength of evidence that was obtained in that manner ? A. No, sir; it is not true that they were convicted upon evidence obtained in that manner.

Q. Didn't that form part of the evidence upon which they were convicted ? A. That one particular case formed a very minute part.

Q. Didn't that form some of the evidence that was given against these men or some one of them, that led to their conviction? A. Yes; Facey's evidence did form part that convicted some others, I believe.

Q. Did it also convict Facey himself ? A. I think there were other evidence, other witnesses.

Q. Did it form part of the evidence that convicted Facey himself ? A. It may have formed part of the evidence that convicted him.

Q. Weren't the charges mainly sustained or mainly made upon the strength of Facey's evidence ? A. No, sir.

Q. Upon whose evidence was the charge mainly made and by whose statement was it mainly sustained ? A. Upon the evidence of twenty-five or thirty witnesses; what particular case ?

Q. The general charge ? A. The charges were sustained on the evidence of perhaps thirty different witnesses, to the best of my belief; I think there were thirty or more.

By Mr. Litchfield:

Q. The men implicated with Facey were very largely convicted upon Facey's testimony ? A. No; my recollection is they were not convicted on his testimony, that there were a number of other witnesses who gave much more important testimony.

Q. Facey's testimony was used ? A. It was used to corroborate some other testimony.

By Judge Gilbert:

Q. As I understand it, Facey's evidence it was claimed was material so far as some four or five of the inmates were concerned, isn't that so ? A. I can't recollect now any particular case, or the witnesses in any particular case; I might be refreshed by referring to some of the testimony.

Q. So far as those four or five were concerned, the charges against those were mainly based upon what Facey stated ? A. I am quite positive to the contrary; I think Facey's testimony was simply used as corroboration to some other testimony.

Q. You don't mean corroboration as to the entire thirty or forty ? A. No; some particular cases.

Q. Those were only four or five ? A. Yes, sir.

Q. So far as those four or five inmates were concerned, the charges against them were mainly supported by Facey's evidence; that was so, wasn't it ? A. The conviction, perhaps, might have been helped by Facey's evidence; I will say that.

Q. As you recollect it, didn't Facey's evidence form a material and important part of the evidence upon which the conviction of some four or five of these men was based ? A. As I recollect, it did not form an important part; it was a very small part.

By Mr. Litchfield:

Q. If it formed such a small part of the evidence why was it considered of sufficient importance to take Facey in the bath-room twice, first to admonish him, and the second time to paddle him ? A. The best of my belief is Facey was not paddled for refusing to answer questions, his manner in giving evidence; he was a very unwilling witness, and anyone could understand he didn't care to give up or tell loads of information that would be beneficial to the court at that time.

Q. Therefore he was taken in and paddled to make him give up that information that would be beneficial to the court ? A. Yes, sir.

By Judge Gilbert:

Q. I am requested to ask this, if you are willing to state positively Facey was only taken in the bath-room twice before he would give up that evidence ? A. That is the expression I used.

Q. Do you mean to say he wasn't taken in the bath-room but twice ? A. That was all he was taken in; I am quite positive about that.

Q. Wasn't he taken in there four different times before he would yield or give up that proof ? A. No, sir; I am quite positive he was not.

Q. Are you positive ? A. I am positive.

Q. When he was taken from the bath-room the second time he was taken directly before the court ? A. Yes, sir; the first time and the second time both.

Q. Then he gave the required proof ? A. Yes, sir.

Q. Wasn't punished any more ? A. Wasn't punished any more.

Q. But was sent to State prison with the others; how long was it from the time that the parties were charged and arrested and put in the solitaries or the rest cures to the time when they were finally transferred to State prison ? A. I couldn't state positively; it might be nine days or eight days, to the best of my belief.

Q. Did you arrest any of these men ? A. Yes; I did some of them.

Q. Which ones did you arrest ? A. I couldn't say; I could tell some of them; I recall arresting Crumby, I think, I am not positive; I arrested Walters, Doherty and a number of the prisoners whose names I don't recall just now.

Q. Where did you take them to ? A. To the reception-room; you mean by arrest after the charges were found to be proven ?

Q. No; when they were made against them they were arrested, were they not ? A. Some were.

Q. You arrested some of those ? A. Yes, sir.

Q. Where did you confine them ? A. In the reception-room and to the south block some were taken.

Q. Did you take any of them to the solitaries ? A. I don't recall that I did; I can't remember any I took there; I am positive I did not.

Q. Did you see any of them taken to the solitaries ? A. I did not.

Q. Did you see any of them in the solitaries, before they were taken to the State prison ? A. Yes, sir; I did.

Q. For how long a time were they there ? A. They might have been there for three or four days; perhaps five days.

Q. Were they chained ? A. No, sir

Q. None of them chained ? A. No, sir; none in there were chained at all at that time.

Q. Did they have chunks of iron or pieces of iron chained to their feet ? A. It was put on the night before they go away; it is a regular cuff or leg iron.

Q. Do you know that Doherty and Crumby were not chained in the cells to either the sliding ring upon the bar or to the ring in the corner of the cell ? A. They were not.

Q. You know that, do you ? A. Yes, sir.

Q. Do you know they were in the solitaries ? A. They were in the reception cells.

Q. Do you know they were confined in the solitaries at any time ? A. No; they were not.

Q. Do you say they were not placed in the solitaries at all? A. They may have been; when we make a transfer we take twenty-five or twenty-four; we divided them up into two squads and would put one squad down in our reception room, in our solitary cells; their limbs, the right and left leg, would be chained or shackled, and they would be put in these cells; they wouldn't be chained up otherwise; their legs would be chained to each other, and they would be left there until the next morning

and taken away; not chained to any ring or door, but simply chained to each other.

Q. As you recollect it, that was the only manner in which they were confined, just prior to their being taken to the prison? A. Yes, sir.

Q. Did you have a stenographer when the witnesses were giving their evidence before the court-martial? A. No, sir.

Q. Was the evidence taken down? A. It was.

Q. A record made of it? A. It was.

Q. By whom was it made? A. I think we had a stenographer; I am a little doubtful about it; my impression is we had; I know Mr. Hoppe made a number of notes.

Q. And a copy of the evidence or the record was preserved? A. Yes, sir

Q. Do you know Mr. Hoppe had it? A. Mr. Hoppe had in his possession during the investigation a copy of the evidence.

Q. I would like to ask this; and wish you would be specific about it; do you say that this man Crumby, Doherty, and Hogan and Walters and Witzman, that neither one of those men were present at the time when this man Facey was giving his evidence before the court-martial? A. I don't think they were; I couldn't state positive; my impression is they were not.

Q. When this evidence was being given where were these men; weren't they locked up in their cells? A. They were around about the prison doing their duties; these men you have mentioned were paroled officers.

Q. Were they around the prison performing their duties at the time when this man was giving his evidence: Facey? A. My impression is they were.

Q. Up to that time they hadn't been arrested? A. No, sir; they had not been arrested.

Q. Afterwards, as I understand it, the superintendent investigated? A. Yes, sir.

Q. Were you present during that investigation? A. No sir.

Q. Do you know whether any one of these men were brought suprintendent at the time when these witnesses were making their statements before him or not? A. I do not.

Q. Do you know whether any one of thes men were brought before your investigating committee or court to make their statements? A. I don't recall; I couldn't say.

Q. Or that they were brought out of their cells for the purpose of making satements? A. I think that the superintendent himself went to the reception-room and confronted the men with their proper accusers.

Q. I want to know if any one of the forty of fifty inmates that were found guilty and finally transferred to the prison were required to appear before your court to give evidence in their own behalf. A. Yes, sir.

Q. Each and all of them? A. I won't say all; but most; I would state positively most.

Q. Do you say either one of these five that I have mentioned appeared before your court to make statements in their own behalf? A. I couldn't recall the exact ones that were there.

Q. I am requested to ask whether at the time when Facey was receiving his punishment, whether he was struck over the head or face with the strap? A. Not to the best of my recollection he was not; he simply received a few spats on the buttocks.

Q. You don't recollect he received any over his head? A. No, sir.

Q. Was he strung up? A. No, sir.

Q. Do you remember how many blows he received? A. Not more than five; five would be the maximum; I couldn't state positively; he may have received two.

Q. Do you mean to say five was the maximum number? A. I say it was the maximum number he received.

Q. Why would it be the maximum number in his case? A. I mean by that that is the greatest number he received; he didn't receive more than five.

By Mr. Litchfield:

Q. What is the maximum number of blows given in the bath-room? A. I can't recall a case where a man received more than twelve.

Q. What is the ordinary number given? A. About three or four is about the average.

Q. Most men get three or four blows and fewer men get twelve blows? A. Very few get twelve; most get three or four.

(Examination of Halpin suspended for the present.)

Joseph H. Beach, recalled.

Examined by Mr. Stanchfield:

Q. (Witness shown photograph.) Do you recognize that photograph? A. I do.

Q. Who is it? A. George Ackerman.

Q. Was he an inmate of the institution while you were an officer here? A. He was.

Q. At any time in the broom-shop, while Edward Kennedy was upon the stand, did you strike Ackerman knocking out four of his front teeth? A. I did not.

Q. Was Ackerman, while you were here, in the gallery suspended by both hands while spanked? A. No, sir.

Q. (Witness shown another photograph.) Do you recognize that photograph? A. I do.

Q. That of whom? A. Mr. Howard, I have forgotten his first name; I think it was M.

Q. Was that man ever struck by you, whose picture I show you, with a stick or cane over the head leaving a scar? A. No, sir.

Q. Did Mr. Brockway, in your presence in the solitary, strike the inmate Howard a blow knocking him against the sink leaving another scar? A. No, sir.

Q While you were a keeper here do you remember William Parks? A. I do.

Q. Who jumped off the gallery, breaking both legs? A. Yes, sir.

Q. At the time when that accident occurred had he been punished? A. He had.

Q. At the time when he jumped off the gallery were you or Winnie together or either of you chasing him? A. No, sir; I stood on the guard-room floor; it was the time we were letting the men out from their cells for work in the shops; he was locked I think, I am sure, in one of the cells of the south block, first block off the guard-room floor, and after he was unlocked and the others were passing out he went the other way and jumped off the rear end of the block, off the gallery.

Q. And inflicted those injuries? A. Yes, sir.

By Mr. Litchfield:

Q. What was your idea at the time his object in jumping? A. I think he had suicidal intent, although of course that was a supposition.

Q. Was the height such that if he had struck correctly he would have killed himself? A. Yes, sir; you can't really tell what prompts a man to do.

By Mr. Stanchfield:

Q. (Witness shown another photograph.) Do you recognize that photograph as the photograph of a man who was an inmate while you were here, Eugene P. Kelly? A. Yes, sir.

Q. Did you ever in the bath-room club him over the eye with a cane or heavy club? A. I have no recollection of that, in fact I

have no recollection of having taken this man to the bath-room even for punishment, although that may have occurred; it seems if he had been punished with a stick it certainly would have been for resisting, and I have no recollection of any such thing from this man.

By Judge Gilbert:

Q. Did you strike Ackerman at all? A. No, sir; Ackerman was a small fellow, and I remember him very well; I don't think he weighed over 120 or twenty-five pounds, and no officer would strike him; he wasn't a pugnacious fellow at all.

Q. Do you recollect of his being punished in the bath-room? A. I think that he was punished in that bath-room for non-performance of task.

Q. Did he resist while there? A. No; he never resisted.

Q. You say you never, upon any occasion, struck him? A. I never did.

Q. With a stick or anything else? A. With a stick or anything else.

Q. Do you know how the inmate, Howard, got a scar upon the side of the face? A. No; many a man came here with scars.

Q. Do you know anything about that? A. No, sir; I don't recall the fact; I don't remember that he did have a scar.

Q. You have been connected with the institution since 1886? A. No, sir.

Q. You remember this occasion when Parks jumped from the gallery? A. Yes.

Q. Did you see him just before it occurred? A. No.

Q. Do you know where Parks was going at the time? A. We were letting all the inmates out to the shop to work.

Q. What time in the day was it? A. I am not positive whether it was at 1 o'clock or in the morning; it occurs to me, I am not certain, however, it was at 1 o'clock.

Q. When they were going out to work? A. Yes, sir.

Q. Then he jumped from the gallery down on to the floor as he came out of his cell? A. As to that I wouldn't say positively whether it was coming out or coming in; I am quite positive it was the noon hour, and at the time we were either coming in or going out, while the other inmates were unlocked.

Q. Was that the proper gallery for him to be on if he was coming in or going out? A. I don't remember the number he was locking in but he was locked in one of the cells on that block; he might have been locking in lower tier and gone up higher.

Q. Whether he belonged on the third tier or not you don't recollect? A. I do not recollect that.

Q. Can you give us any idea how it was he happened to be on the third tier at that time? A. No, sir; he might have been locking there; he might have gone up to the third tier in a manner that no officer could have seen him; there was a ladder at the back end of the block.

Q. Did you understand at the time any officer or anyone was in pursuit of him? A. I am sure there was not; I had charge of all the officers at that time.

Q. Or that there was anyone waiting for him? A. No; if they had been waiting for him he would have been chalked in.

Q. He had not been chalked in? A. No, sir.

Q. Sure of that? A. I am sure of it.

Q. Do you know whether he had been lowered in his grade that day? A. I don't recall that, whether he had or not; I don't think he had, but I wouldn't swear positive to that.

Q. Do you know a keeper named Samuel Meddaugh? A. Yes, sir.

Q. Do you know where he was at that time? A. I know where he must have been either, if we were coming in or going out he must have been with his third grade line; each officer has charge of his third grade men and he marched them out ahead of the second grade men; this man was in the second grade and Meddaugh, if he were going out, must have been ahead of this man, and if he was coming in he must have been down in the other block at that time.

Q. If he had been in the regular performance of his duty would he have been in a position where he could have seen this man as he jumped? A. He could have seen him if it was at the time we were turning in because the other block is at an angle, in a position where he might have seen this man.

By Mr. Litchfield:

Q. What was the custom of chalking in, did you use one mark or two marks? A. I think just a cross, an X.

Q. What did that signify? A. We had only one mark; we weren't particular whether one or two; that meant the man should not be unlocked.

Q. Any specified reason? A. No, sir.

Q. Could a man tell by being chalked in what he was chalked in for? A. No; he knew he was in for some purpose to be assigned afterwards; unless he knew positively himself if he committed an offense; he surmised what the difficulty was.

Q. You used one X or two X's indiscriminately? A. Yes, sir.

Q. Had this man been punished before at all? A. I don't recall that he had, but I wouldn't swear he had not.

Mr. Stanchfield.—In connection with Mr. Beach's testimony I desire to offer the following letters identified in New York by George Ackerman.

Cell 416.

Doctor:

Dear sir.— I will only try to do as you told me, but I promise you that I will stop it for a whole month if I live to see the twenty third of May. I will come to see you if I break me promise. I tell you the truth about it; if I don't break it you can see the change in me. Now dear doctor will you please send me something to stop my chills. I almost freeze to death, and again I am so warm I could take all my clothes off. Please send me something and I will not ask anything more or come to see you until the twenty third of next month, unless an accident happens to me.

Yours respectfully,

416 GEO. A. ACKERMAN.

"Dr. Wey:

"Dear Sir.—I have a bad habit about me and I will tell you what it is. I will not keep it secret any longer from you. I can not go to sleep at night so I pull my tap and inhale gas until I get so dizzy that I don't know what I am about; next day I suffer with headaches and pains through my body and am so tired. Please give me something so I can go to sleep and get Mr. Brockway to keep me busy during idle days and Sundays in kitchen or dining-room, then I will get better and stronger with your help. Sometimes I get such a pain in me I am ready to take my knife and cut my throat; I will do it sometime, too, if ain't relieved from pain.

Yours respectfully,

416 GEORGE ACKERMAN.

"Room 559. January 18, 1885.

Mr. Brockway:

Dear Sir.—I take my pencil to write to you these few lines, hoping that you will believe them, for I never would or never did speak an untruth to you. Dear sir, I have been very bad this month for I received three yellow reports, but as sure as I live I will make a solemn promise to you that from this day, the eighteenth of January, you shall never see me cranky or lazy again. I have made a fool of myself for three years here, but by God's help I will be an honest, industrious and sober man. Dear sir, consider what I have learned here. When I came here I could not write my name or tell you how much two plus nine was; now I am in the highest class and gain 100 per cent. I

now have 3.95 and 2,88 in first grade, and hope to get my freedom by the April board. I love you sir, and worship you as I would a father, for you have been a father to me, and I shall never forget your kindness, and will obey you even when I become a free man, but I have no desire to leave here yet to go into the cold world to struggle, and dear sir, I will never in all my life tell to you a lie, I will sooner be beaten to death than be false and deceitful to a true friend of unworthless prisoners, believe me, to be ever,

"Your humble servant,

"GEORGE AGKERMAN."

Luke H. Halpin, recalled:

Examination continued by Judge Gilbert:

Q. Do you remember an inmate by the name of John Witzman, consecutive number 3584? A. Yes, sir.

Q. Do you remember of his being taken to the bath-room upon one occasion to be punished? A. Yes, sir.

Q. Were you present? A. Yes, sir.

Q. Did anyone, upon that occasion, strike him in the face? A. I think not; my recollection is no.

Q. Do you know whether he was strung up or not? A. I think he was; my recollection is that he was.

Q. You think he was in there twice? A. Once is my recollection.

Q. As you recollect it upon that occasion he was strung up? A. He was.

Q. In what manner? A. Pair of handcuffs were put on his wrists, and there was a rope with a hook in it attached that run through a block on the grating of the window, and the rope was pulled tight, so he would be just on his foot, perhaps raised him up on his toes a little, so he couldn't get away or move from the window.

Q. Do you say he wasn't raised entirely off the floor? A. My recollection is he was not raised from the floor.

Q. Have you a specific recollection in reference to that? A. Yes; I am quite positive about it.

Q. Is it true that he was raised a foot from the floor? A. It is not true.

Q. Or that he was raised so his toes did not touch the floor? A. He was not raised so his toes did not touch the floor; his toes did touch the floor.

Q. Why was he strung up? A. He resisted somewhat; he wouldn't stand there and he was held while the handcuffs were put on him and kept there.

Q. Who was present? A. My recollection is that the superintendent, Mr. Sample and myself, were present.

Q. Do you know what the offense was he was charged with? A. It was tobacco; I think.

Q. Chewing tobacco? A. For having in his possession tobacco obtained crookedly; some tobacco deal.

Q. It was charged that he had obtained it crookedly? A. I think that was the charge; crookedness.

Q. He admitted the charge? A. He did admit it.

Q. And was punished for it? A. Yes, sir.

Q. Do you know what he was taken to the bath-room the second time for? A. My recollection is that he was taken there but once on that case; on that tobacco case.

Q. Was he taken to the bath-room on any other charge? A. I don't recall that he was.

Q. You have no recollection of only one occasion.? A. One occasion.

Q. Can you say positively whether he was or was not taken there twice during one week? A. I can not; it might have been on some other occasion.

Q. Do you know how many blows he received at the time he was punished? A. No; I couldn't say.

Q. Did you see his back as the punishment was administered? A. Yes, sir.

Q. What can you say as to whether the skin was broken by the blows or not? A. It wasn't broken.

Q. What marks, if any, were left by the blows? A. Purple on a flesh color.

Q. Have you a distinct recollection as to his case? A. Yes, sir.

Q. As to how his back looked? A. I haven't a distinct recollection as to his case, but I was present almost in every case, and I remember how the back of each man looked after his physical treatment.

Q. It is from that appearance you have made the statement you have in reference to the appearance of his? A. Yes, sir.

Q What do you say the general appearance of the backs of men were? A. Discolored somewhat after they received the treatment; it is a bluish color or purple color.

Q. Black and blue? A. Black and blue.

Q. Almost every case? A. Every case.

Q. I understand you to say you can't tell how many blows this man received? A. I couldn't tell positively.

Q. What is your best impression? A. Seven or eight.

Q. Was he a large, heavy man? A. Yes, sir; quite a heavy man.

By Mr. Babcock:

Q. Do you mean to say that these buttocks were black and blue immediately at the time or at a later period? A. A few moments after this treatment was administered.

Q. Would it show red or blue ? A. A bluish color.

Q. At a later time did you see the locality of the punishment so as to be able to state ? A. Not later than ten minutes after, five or ten minutes after.

By Judge Gilbert:

Q. Did you ever see any of the inmates a few hours after they had been punished or a day or two in their cells and see their backs ? A. I have seen them in the bath-room bathing afterwards, weeks afterwards; say eight days or six days, perhaps five days; I can't recall the exact number of days.

Q. Do you recollect seeing scars or marks upon them afterwards ? A. No; their buttocks would have a yellow appearance, as though witch hazel or something like that had been rubbed on that part.

Q. As if the flesh had been bruised and just getting better ? A. Yes; a few days after that would be.

By Mr. Babcock:

Q. You don't mean to say the skin was broken ? A. No, sir.

By Judge Gilbert:

Q. Why was this man strung up ? A. He resisted somewhat; wouldn't stand in his place.

Q. Was that the only resistance he made ? A. He wouldn't stand; yes, sir.

Q. What did he do ? A. When the treatment was about to be administered he would step away from his place, wouldn't stand there.

Q. Was he finally thrown upon the floor ? A. No, sir; his hands were held while one of the officers put the handcuffs on.

Q. Wasn't he thrown upon the floor while the cuffs were put on ? A. No; my recollection is he was standing at the window.

Q. Will you state positively he was not thrown upon the floor? A. I am not positive he was not thrown upon the floor, in this case I remember that I held him; my recollection is I held him while Mr. Sample put the cuffs on him; there was no scrimmage or no tussle at all.

By Mr. Litchfield:

Q. Could two strong men like yourself and Mr. Sample control a prisoner without a scrimmage? A. Not in all cases; we have had cases where we could not control a man without scuffling.

Q. Usually you think you could do it? A. Yes.

Q. It wouldn't be necessary with the average prisoner to throw him on the floor and hit him to subject him.? A. No; not with the average prisoner; in extraordinary cases men have been thrown on the floor and handcuffed.

By Judge Gilbert:

Q. In this case this man was a strong, large man? A. He weighed about 145 or fifty, I should judge.

Q. You had no difficulty in holding him? A. He didn't resist; didn't use any strength to resist us; he simply would move away from his place, wouldn't stand at his place where he was supposed to stand, which made the treatment he was supposed to get impossible; it couldn't be administered.

Q. How many blows did you say he received? A. My impression is six or seven.

Q. Had he received any before he was strung up? A. I couldn't tell positively; I think the superintendent attempted to strike him, but he would get away each time; wouldn't stay.

Q. Then he was strung up? A. Yes, sir; not strung up.

Q. In the manner you have stated? A. Yes, sir.

Q. He was kept in that position until the punishment was completed? A. My impression is that he was.

Q. When he attempted to turn away from the window was he struck over the head? A. No, sir; he was not.

Q. Did you see an inmate strung up in such a manner that his feet couldn't rest upon the floor? A. Yes, sir.

Q. Several? A. No; one or two; very rare occurrences they were; I may have seen two in two or three years.

By Mr. Litchfield:

Q. Why were those men lifted from the floor? A. I couldn't answer that positive, it is a question for the superintendent.

Q. It was by his orders? A. It was his orders.

Q. It wasn't on account of anything they did? A. It was on account sometimes, I suppose, of the vile language they used while the treatment was being administered; I can't recall it; I have an indistinct recollection of it.

Q. Used as a punishment and not as a means of subduing them? A. It was used, I think, to subdue them.

Q. Used on account of their struggling, were they so struggling they had to be raised from the floor? A. I think so; my recollection is indistinct; I have a remembrance that there were one or two cases; I wouldn't say positive two, I remember one.

Q. What was the name of that one? A. I can't recollect the name; I couldn't recall the number.

By Judge Gilbert:

Q. He was simply strung up during the time of punishment? A. Just for an instant he would be lifted from his feet, for a period of two or three seconds, and would be let down again.

Q. Still held fast by the wrist? A. Held by the wrist, but there wouldn't be any strain on the wrist to keep him from moving away from the floor.

Mr. Hoppe.—I desire to read from the record, 3584, John Witzman, that he was spanked only once while at the reformatory, October 5, 1892, receiving L blows.

The witness.—I didn't say positively seven blows; I couldn't recall with any accuracy the number of blows any man received.

Judge Gilbert.—I suggest as far as we can that we save time in reference to the number of the blows, the record shows what there is of it.

Q. Do you remember an inmate by the name of Hausman, 3687? A. Yes; I remember him.

Q. Do you remember of his being punished in the bath-room when you and Mr. Sample were present? A. I don't remember that case; I remember the man.

Q. Did you ever hear the superintendent tell an inmate that his mother was a bitch? A. No, sir.

Q. Or use language of that kind? A. No, sir.

Q. Did you ever see the superintendent strike an inmate on the belly? A. No; I never saw him strike him there.

Q. Or knock an inmate down by a blow on the belly? A. No, sir.

Q. This strap some eighteen or twenty inches long, owing to the position of the inmate wouldn't it sometimes wrap around the body so as to strike part of the abdomen? A. I never observed a case of that kind.

Q. Or if a man should not stand in just the position he was placed and should happen to turn suddenly around wouldn't the blow be likely to land part of it upon his abdomen? A. I have never seen a case where such took place.

Q. Do you know an inmate by the name of John H. Sherman, 3990? A. Yes, sir.

Q. Was he, at any time, charged with licentiousness? A. I don't recall if there was any charge recorded against him; this case that I recall now; he was about to be sent away.

Q. Was he punished? A. I don't think he was.

Q. Didn't you catch him in the act? A. Yes, sir.

Q. And reported him? A. Yes, sir.

Q. A charge made against him? A. The charge was made to the superintendent verbally.

Q. Do you know whether this man admitted he was guilty or not? A. I don't think the superintendent had any conversation with him about it; he was about to be sent away; one of the transfers.

Q. Did it occur on the day of the transfer? A. Yes, sir.

Q. Was he one of the forty or fifty transferred to Clinton? A. Yes, sir.

Q. Who was the other person? A. I think his name was Freeze or Freese; some such name as that.

Q. Where did this occur? A. In one of the rooms on the south block; there were two in a room waiting to be shackled; in the afternoon it was; previous to the transfer.

Q. You say it was the day previous? A. We call it the day of the transfer, but it is the next morning the men are transferred; we take them in and lock them up, and get them ready to be transferred the following morning.

Q. These two men are placed in one cell? A. Yes, sir.

Q. While there this occurred? A. Yes, sir.

Q. How did you happen to catch them? A. Passing the cell; the cell is on the ground; the first floor, and I observed them; my attention was called to them by a hall man; he pointed out the cell and I looked in and observed the conduct.

Q. Was it a part of your duty to pass along those cells at regular times? A. Not at any particular time; it was my duty to be about the whole institution; all over.

Q. Anyone call your attention to what was going on? A. The hall man pointed out the cell; didn't make any statement to me.

Q. Who was the hall man? A. I can't recollect who it was; I don't know his name.

Q. You slipped up quietly to the cell-door and observed what was occuring? A. Yes, sir.

Q. Did you know an inmate Daniel Milter, 4031? A. I am not positive.

Q. Did you ever see him struck across the face with the strap? A. I can't swear I never did.

Q. Did you ever see Winne strike him and knock out one of his teeth? A. No, sir.

Q. Where you ever present when he was punished in the bath-room? A. I may have been; I don't recall the man.

Q. (Photograph shown witness.) A. I remember him now.

Q. Did you ever see Winne strike that man? A. I never did.

Q. He says that at one time in the presence of yourself, Winnie and Sample he received a blow from the strap across his face — do you say that never occurred? A. My recollection is it didn't occur.

Q. Will you say it did not? A. I wouldn't say positive that it did not.

Q. You have been shown the photograph and you recognized him? A. I recognize the man; recollect him.

Q. Did Winne ever strike this man in your presence in the face? A. He never did.

Q. Did he ever knock out one of his teeth by a blow in the face? A. He never did.

Q. Was he ever at any time so severely punished in the bath-room that it was necessary for the attendants to lift him up and carry him to his cell? A. No, sir.

Q. Was he ever carried by you and Sample to his cell? A. No, sir.

Q. Or helped to his cell by you? A. No, sir.

Q. Did he ever at any time while being punished in your presence faint away or become unconscious? A. No, sir.

Q. And for that reason was carried from the place of punishment to his cell? A. No, sir.

Q. Nothing of that kind ever occurred? A. Nothing of that kind.

Q. Did you ever see anyone while being punished in the bath-room faint away or become unconscious? A. No, sir.

Q. About how many punishments in all have you seen administered? A. I may have seen 400; I wouldn't state positively; that is a very rough estimate.

By Mr. Litchfield:

Q. Covering what period of time? A. In two years and a half.

Q. Were you present at all the punishments that took place in that two years and a half? A. Yes, sir; I think I was.

Q. About 400 in number? A. That is my estimate what punishments there were during that time.

Q. What two years? A. From some time in 1890, or a little later, perhaps 1891, until April, 1893.

Q. You mean to say during that two years and a half you were present at every spanking? A. I was; that is my impression; I would accompany the superintendent on all occasions unless I was absent; there might have been days when I was absent.

Q. Those only aggregated about 400 in the two years and a half ? A. That is my estimate.

By Judge Gilbert:

Q. Do you mean that you know of 400 instances when inmates were taken to the bath-room to be punished, or that you know of about 400 instances where inmates were actually punished in the bath-room ? A. I didn't say that I knew that many; there may have been 250 and there may have been 600; what I meant when I stated that was the number of men that were actually punished.

Q. There were a great many instances where inmates were chalked in when they were not punished, to receive some admonitions ? A. Yes.

Q. I mean those that were taken to the bath-room were admonished and not punished ? A. A great many; fifty per cent, I would say, of the number that were taken down there were not punished.

Q. Mr. Brockway would say to them: You are charged so and so; if you will promise to do better, or will do better, he wouldn't punish them ? A. Yes, sir.

Q That frequently occurred ? A. Yes, sir.

By Mr. Litchfield:

Q. During those admonitions or warnings did you ever see Mr. Brockway push, or hit, or touch a man with his open or closed hand ? A. I have at times seen him strike a man like that, with his open hand.

Q. Seen him do it with his closed hand ? A. No; I never saw him shut his fist and strike a man as though he intended to hit him; I have seen him slap a man occasionally.

Q. Where ? A. On the side of his face, on his cheek.

Q. Principally around the head ? A. Right there.

Q. On the face ? A. Yes, sir.

Q. Back of the hand ? A. Sometimes with the front and sometimes with the back.

By Mr. Babcock:

Q. You don't call that a blow ? A. A slap.

Q. A slight slap ? A. Just a slight slap.

By Judge Gilbert:

Q. You say you never saw a man who, from the effects of the punishment, fainted or became unconscious ? A. I did not.

Q. Did you ever see anyone that you claimed fainted, or pretended to faint, or pretended to be unconscious, in consequence of the punishment? A. I don't recollect any case. anybody, where a man feigned or fainted.

Q. Will you state positively that no such case ever occurred? A. My recollection is now there never was any occurrence of that iknd.

Q. You are not willing to say it did not occur; you will only go so far as to say you do not now recollect? A. I don't recollect.

Q. If it had occurred would you recollect it? A. I would most likely remember it, because such an occurrence would be rare, and I would remember it.

Q. Weren't there instances when a man who was being punished would fall or settle down upon the floor? A. There has been a case or two, perhaps more, where men would fall away, jump away from their position at the window and fall back, but not faint at all; they would be perfectly conscious and know what was going on.

Q. Fall upon the floor or settle down upon the floor when he was placed at the window in a standing position to receive the punishment, weren't there instances when the inmates would fall flat upon the floor? A. There have been cases where men have fallen on the floor; not in a faint though.

Q. You claim it wasn't because they had fainted or that they were not at that time fainting? A. No, sir; it was to escape the punishment.

Q. Those are instances when you would stand them up on their feet? A. Yes.

Q. If they wouldn't stand sometimes you used the hanging-up instrument? A. The handcuffs.

Q. When inmates failed to keep their position at the window, falling upon the floor or stepped away from the window, or failed to keep the position they were directed to take or remain in, were they punished in any way? A. No; they would be taken and put back in position again.

Q. Do you say you never in all these case, where an inmate was punished, you never saw one struck over the head with the strap? A. I didn't say that I have seen them.

Q. I ask you if you ever saw one punished because he didn't keep the position he was placed in? A. I have seen them struck over the head rarely with the strap.

Q. Because they didn't keep their heads in proper position? A. Yes, sir.

Q. Haven't you seen them kicked or struck because they didn't keep their bodies in a proper position? A. No, sir.

Q. Never? A. Never.

Q. Weren't you ever present when the inmates, because they wouldn't stand at the window or take their place there, were thrown upon the floor? A. Yes, sir.

Q. It was because they wouldn't take or keep the position they are ordered to? A. That occurred usually before they were put in position; they would resist; they would refuse to stand there, and resist.

Q. Do you know an inmate by the name of Robert Harrigan, 4074? A. Yes, sir.

Q. Were you ever present when he was being punished in the bath-room? A. I am not positive; I don't remember of having been present when he was spanked.

Q. Were you present with Winnie and Sample and the superintendent when this man was kicked in the stomach and beaten to unconsciousness and was carried out and put into a cell on the south block? A. I was not present if that took place.

Q. You never saw anything of the kind? A. No, sir.

Q. Is it true or not true? A. I can't remember whether I was present or not; I can't remember his particular case; the occurrence is not true.

Q. He says it occurred and that you were present? A. It did not occur if I was present.

Q. You say you were not present? A. I don't say positively I was not; but I don't remember of being present at any time when he was receiving any punishment or treatment.

Q. Do you remember any occasion when this man, for any cause, was thrown upon the floor, kicked or struck in the bath-room? A. No, sir.

By Mr. Litchfield:

Q. You don't remember being in the bath-room when he was there? A. I have no recollection of being there.

Q. The record shows he was spanked September 2, 1890; September 20, 1890; December 22, 1890; and January 24, 1891; do you remember of being present upon four different occasions when this man was punished? A. No, sir; my impression is at that time I wouldn't be present in September, 1890.

Q. You say positively that this man never was kicked by anyone in your presence? A. Yes, sir; I said that.

Q. Do you know an inmate by the name of William H. Earl, 4129? A. Yes, sir.

Q. Did you ever, upon any occasion, kick this man, Earl, or kick him all the way down the extension? A. No, sir; never kicked him.

Q. Did you have any collision with him or controversy with him? A. I can't recall; I don't remember that I had; I might have had.

Q. William Facey testified that Earl was kicked and punched all the way down the extension by you, is that true or false? A. It is untrue; it is false.

Q. Do you remember this man, Earl, particularly? A. I do remember him.

Q. Do you know what employment he was engaged in? A. Printing office, I think.

Q. Do you remember whether you ever, at any time, attempted to compel him to perform any duty he refused to perform? A. I don't think that I ever did.

Q. Did you ever have any collision with him whatever? A. To the best of my knowledge and belief I had not.

Q. Can you say positively you never had? A. I can't say positively; I might have had occasion to speak to him about something during the investigation of a report.

Q. Do you mean to say positively that you never, while attempting to enforce obedience on the part of this man, Earl, that you never used force in any way? A. I say that positively, that I did not.

Q. You have at times used force to compel obedience on the part of the inmates? A. I slapped a man, perhaps, rarely.

Q. Do you say you never, upon any occasion, kicked an inmate? A. Never.

Q. Never struck an inmate with your closed fist? A. Never.

Q. Never upon any occasion? A. Never.

Q. Or for any purpose? A. Not during my rounds of duty; I have in the bath-room, in order to subdue a man, I have had occasion to strike him.

Q. But not around in the halls or extensions? A. No, sir.

By Mr. Litchfield:

Q. Where did you hit him to subdue him, anywhere you could get at him? A. Yes; in order to get him so we can get the handcuffs on him; there isn't much pains taken to strike him in any particular spot; the nearest you can get to him in order to subdue him; occasionally it is really self-defense; the man is fighting and attempting to subdue you.

Q. Do you remember an inmate by the name of George C. Zelia, 4233? A. Yes, sir; I think I do.

Q. Were you ever present when he was punished in the bath-room? A. I can't recollect having been present.

Q. He testifies that he was punished at one time or was in the bath-room at one time when you and Mr. Sample and the superintendent were present; do you remember any occasion of that kind? A. I don't recall it.

Q. Did you ever, upon any occasion, hear the superintendent call or say to him that his mother was a bitch? A. No, sir.

Q. Or use any such language? A. No, sir.

Q. I understood you to say, with reference to this question once before, that you never heard him use any such language upon any occasion to any inmate? A. I never did.

Q. Did you ever see any blows administered upon the back of an inmate above the buttocks, across the small of the back? A. We would say that was the line there.

Q. How high up is the highest you ever saw any blows dealt? A. About below that (indicating).

Q. You never saw any above? A. Never.

Q. Do you know an inmate by the name of Jacob Lipman, 4249? A. Yes, sir.

Q. Ever saw him punished in the bath-room? A. Yes; I remember an occasion when he was spanked.

Q. Did you ever see the superintendent strike him over the face with a strap? A. I did.

Q. More than one blow? A. One blow.

Q. Ever see him punished more than once? A. I can't recall any other occasion.

Q. Did that blow give the inmate a black eye? A. It discolored his face in the neighborhood of his cheek bone.

Q. Was his flesh broken or cut? A. No, sir.

Q. Leave any scar? A. No, sir.

Q. Swear positively to that? A. It didn't open his face or leave any cut, it certainly couldn't have left any scar.

Q. Did the blood flow at all? A. No, sir.

Q. Do you remember an inmate by the name of Joseph Stephen Ryan, 4336? A. I can't recall him now; there were a number of Ryans.

Q. Did Mr. Winnie ever in your presence and in the presence of Sample strike this man in the face with his fist blackening his eye? A. No.

Q. Either in the bath-room or anywhere else? A. No, sir.

Q. Do you know an inmate named Samuel Gross, 4346? A. Yes, sir.

Q. Did Winnie ever in your presence kick this man? A. No, sir.

Q. Kick him with such force as to throw him six or seven feet across the hall? A. No, sir.

Q. Never kicked him at all in your presence? A. Never.

Q. Do you know that this man Gross was one time punished for signing Mr. Brockway's name to a paper? A. Yes, sir; I remember that case.

Q. Were you present at that time? A. Yes, sir.

Q. When he received his punishment? A. Yes, sir.

Q. Upon that occasion did the superintendent kick this man? A. No, sir.

Q. In his testicles or anywhere else? A. No, sir.

Q. Do you state that positively? A. Positively.

Q. Do you know whether the blow that he received caused his nose to bleed? A. He did get struck once on the head with the strap which caused his nose to bleed.

Q. Do you know whether it caused it to bleed every day for a week? A. I couldn't say to that.

Q. Or whether it bled any more than just upon the occasion when he received the blow? A. I couldn't say; at the time it bled a little.

Q. That was at the time he received the blow over the head? A. Yes, sir.

Q. Did his nose bleed because of any wound that was made upon his nose or face? A. No, sir; an ordinary nosebleed.

Q. Struck with the handle of the strap? A. The handle; struck by the handle; a blow on the nose.

Q. Not by the strap? A. No, sir.

Q. Did you see this man's back after the punishment? A. Yes, sir.

Q. How soon after? A. Five minutes after; a few moments' after.

Q. Did you see it that afternoon? A. No, sir.

Q. Only saw it a few minutes after the punishment was given? A. Yes, sir.

Q. What was the appearance of his back then? A. Just the same as the appearance of any other man's back; it was a little discolored, purple or a little blue.

Q. Do you say the blood didn't flow? A. Not from his back or buttocks.

Q. The skin wasn't broken by the blows upon his back? A. No, sir.

Q. There was no abrasion of the skin so far as you saw upon the back? A. No, sir.

Q. Did you ever see Mr. Brockway kick this man at all? A. No, sir.

Q. Any part of his person? A. No, sir.

Q. Why was this man struck in the face with the handle of the paddle? A. Him and Mr. Brockway had some talk, I pre-

sume he made some insulting remarks; Mr. Brockway talked to him and he would repeat or retort, make some insulting retort; Mr. Brockway struck him on the face with the handle of the strap.

Q. Where were then when this occurred? A. In the bath-room.

Q. Where was Mr. Brockway and this man standing at the time? A. Near the window, where the punishment is administered.

Q. Had he been placed in position to receive the punishment before this blow was given? A. Yes, sir.

Q. Was it while he was standing in a position to receive the punishment? A. It was after he had received some punishment, one or two blows perhaps or spats that he had received.

Q. You say that before receiving that blow across the face he said something to Mr. Brockway, or did Mr. Brockway say something to him? A. I can't recall the conversation or how it started; they had some conversation and this was the result of the conversation, the stroke on the face was the result of whatever conversation they had.

Q. Did Mr. Brockway strike him afterwards upon the back with the strap? A. Yes, sir.

Q. Give him more than one blow on the face? A. One is the best of my recollection.

Q. Did you say that blow didn't create an abrasion of the skin? A. No, sir; it did not.

Q. Or nose? A. His nose bled from it; that is all the injury that I saw.

Q. Did you see this man afterwards? A. Yes, sir.

Q. In his cell or about his work? A. I used to take them in and take them out at all times; I would see him if I went out with him.

Q. Didn't he upon the same occasion receive a blow over the head from the strap? A. Not to my knowledge.

Q. The only blow that he received upon the head or face on that occasion was the one you refer to when Mr. Brockway struck him across the face with the handle of the paddle? A. Yes, sir.

Q. The handle of this new paddle? A. I can't recollect whether it was the new one or old one; I don't know just what time the new one was supplied.

Q. How long was that handle? A. About seven inches long; six or seven inches.

Q. Did you ever see more than one paddle used? A. Two of the same kind.

Q. One was a broken handled one? A. One had a handle broken afterwards, and there was a new one furnished then.

Q. At this time the handle to neither had been broken? A. I wouldn't state that positively.

Q. Was this blow given with the handle of the paddle that was perfect? A. My recollection is it was the new strap; I wouldn't state positive.

Q. Was it a heavy blow? A. No; a light blow as though you would take something and tap it on the edge of the table; nothing that would injure anybody in my opinion; a tap I would call it.

Q. Sufficient force upon the nose to cause the result you have described? A. Cause his nose to bleed.

Q. In your witnessing these punishments what have you to say with reference to the force with which these blows were given? A. How heavy?

Q. That is to the force that was given, the blow by the superintendent; full blows? A. I don't know; I couldn't say the number of pressure to the square inch.

Q. When Mr. Brockway administered them was it with his full strength? A. Well, no; he didn't seem to exert himself; it was a very mild form in my opinion; it could have been done much more severely, I imagine; he could strike much harder.

Q. Do you mean to say all the blows were given about the same power and force? A. About the same; I never observed any difference; they seemed to all come with the same force.

Q. You say they were mild blows? A. They were not mild blows; I wouldn't say that, but they could have been much more severe.

Q. Didn't you say a moment ago they were mild blows? A. I don't recall; I didn't say they were light blows; I meant to say they could have been much more severe; they were not light blows.

Q. Did Mr. Brockway ever, upon any of these occasions, take off his coat? A. Never.

Q. What was this paper you say it was claimed that this inmate signed Mr. Brockway's name to? A. My recollection is that it was a promissory note of some kind with Mr. Brockway's signature; something like that.

Q. That is what he was punished for? A. Yes, sir.

Q. Was it for that alone or that with other things? A. That was part; he may have received a number of reports during the month, but that was the report that had him brought down; that with perhaps a number of others.

Q. Did you know a man by the name of James J. Shortel, 4594? A. Yes, sir.

Q. He states while he was there he got a blow in the eye in the presence of yourself, Sample, Lazenby and the superin-

tendent; did ever anything of that kind occur? A. I can't recall it.

Q. Either with the strap or anything else? A. No, sir; I don't recollect of it.

Q. Do you remember any instance when an inmate received a blow over the face; across the face or over the head which injured his eye or eyes? A. No, sir; unless you would consider a black eye; I saw a mark on a man's cheek-bone; not a mark, the skin discolored; little black or blue mark there.

Q. Did you ever see anyone who had been struck over the head in that way, have inflamed eyes, eyes indicating they had been bruised? A. No, sir.

Q. More than to be black and blue? A. No, sir.

Q. Ever know of an inmate that complained his sight was injured by such a blow? A. No, sir.

Q. You can't say whether there was not a case or any case where the sight of the eye was injured by a blow of this kind? A. I can't say; such a blow was never administered in my presence.

Q. How do you know that the sight was not injured? A. From my opinion unless —

Q. (Interupting.) You are not an oculist? A. No.

Q. You have never examined their eyes to see whether they were or were not injured? A. I say unless you consider that was an injury, a man having a little discoloration on his cheek-bone.

Q. That is as far as you know? A. As far as I know.

Q. You don't know whether it was or not? A. No.

Q. Do you know an inmate named Frank Koenig? A. Yes, sir.

Q. Was that man ever strung up in your presence three inches or more from the floor so that his feet didn't touch the floor? A. No, sir.

Q. Did he ever receive a blow while in the bath-room which cut open his head? A. No, sir.

Q. And caused the blood to run? A. No, sir.

Q. Did you know whether this man ever received a blow over his head or across his face which injured his eyes or eyesight? A. Not to my knowledge he did not.

Q. Do you remember whether you were present November eleven when he was punished in the bath-room? A. I don't remember the date; I remember being present on one occasion when he was punished.

Q. Do you know upon how many occasions this man was punished? A. No; I remember of being there on that occasion.

Q. Did he upon that occasion receive any blow over the head? A. Not to my knowledge he did not.

Q. Do you mean to your knowledge or to your recollection? A. To my recollection he did not.

Q. Will you say upon the occasion when you were present that he did not receive five blows over the head? A. I will state positively he did not.

Q. Are you positive he did not receive a blow that cut his head or caused the blood to run from his head? A. Positively.

Q. Can you now remember how many of the 400 or 500 cases that you witnessed, the inmate received blows over the head or which ones of them received blows over the head? A. I can't remember how many.

Q. Can you remember how many of them received blows across their faces or over their heads that caused their eyes to be black and blue? A. No; I couldn't remember how many.

Q. Can you remember how many of them received blows with such force as to cause abrasions of the skin or anything of that kind? A. No; I can not.

Q. Can't you state about how many of the inmates, what per cent of the inmates that were taken into the bath-room and punished there, that received blows across their faces or over their heads with sufficient force to cause black and blue bruises upon their faces? A. Perhaps three per cent; that would be the outside; that would be a very large number.

Q. How many were punished in such a manner that their noses were caused to bleed? A. I couldn't say positive; very rare occasion it was.

Q. What per cent? A. There may have been one out of a hundred whose nose would bleed; of the number of men punished there may have been one out of each hundred, or perhaps two.

Q. How many that the skin was broken on the face or head? A. I don't recollect a case where the skin had been broken on a person's face.

Q. Do you say no such case occurred? A. Positively no such case occurred; I don't recall a case.

Q. You don't state positively it did not occur, or do you state positively it did not occur? A. No such case occurred in my presence.

Q. Do you remember an inmate named John McCormick, 4768? A. No.

Q. Was this man ever punished in your presence? A. I remember his face.

Q. Was he ever punished in your presence in the bath-room? A. I can't recollect that.

Q. He testified that upon one occasion he was kicked by the superintendent and received eight or nine blows; was he ever kicked in your presence by the superintendent? A. Never.

Q. He also states that he was kicked in the groin by the superintendent? A. Not in my presence.

Q. You say positively that he was never kicked anywhere by the superintendent? A. He never was kicked.

Q. Do you know an inmate named James Joseph Wiley, 4776? A. Yes, sir.

Q. Did you ever, while in the bath-room, kick this man upon the shins? A. No, sir.

Q. Or anywhere else? A. No, sir.

Q. Was he ever chained two weeks in the solitary? A. No, sir; not to my knowledge.

Q. Do you say he was not? A. He was not to my knowledge; I don't know that he had been.

Q. Do you wish to be understood as stating positively that he never was at any time chained in the solitary for a period continuously of two weeks? A. He never was during my time of service.

Q. Did you ever chain any of the inmates in the solitary by the leg? A. No, sir; I never did.

Q. By the hand? A. Yes, sir; by the hand.

Q. Do you know an inmate named John P. Corey, 4848? A. Yes, sir.

Q. Was this inmate ever thrown upon the floor by you, bath-room or anywhere else? A. He may have been in the bath-room; I can't state that he was.

Q. He states he was knocked down in the bath-room? A. Possibly he was.

Q. Thrown on the floor by you? A. May have been; I can't recall.

Q. After he was thrown upon the floor the superintendent kicked him? A. No, sir.

Q. You say that did not occur? A. That did not occur.

Q. Did the superintendent strike this man in the face with his fist and knock out one of his teeth? A. No, sir; not in my presence.

Q. Did he strike him in the face at all? A. Not to my knowledge.

Q. By his fist or any other way? A. No, sir; the reason I state the superintendent did not kick Cory I don't remember the case of Cory; I don't remember his being there; I remember his face; I remember of an occasion where we had to subdue him, but I make the statement the superintendent did not kick him because the superintendent never kicked anyone in my presence and I can safely say he didn't; whether I remember the man or not, that he did not kick anybody; I make that statement.

Q. You don't mean to say the superintendent never struck this man? A. The superintendent never kicked a man in my presence.

Q. You don't say he never struck him? A. I wouldn't say didn't strike him with his open hand on the face; he has done that rarely; I have seen occasions when he has struck a man over the face with his hand.

Q. I understood you to say positively that the superintendent never struck this man in the face with his fist? A. Yes, sir.

Q. You state positively that he never knocked out one of his teeth? A. I did state that positively; I never saw him knock a man's teeth out in my presence.

By Mr. Litchfield:

Q. Have you seen "scraps" enough in your life to know anything about knocking out teeth? A. I haven't seen many; I have read considerable.

Q. Have you seen "scraps" where men have had teeth knocked out? A. Not very many; I can't say I ever remember seeing a man having his teeth knocked out.

Q. Could one of the molars be easily knocked out by a blow? A. I don't imagine it could.

Q. A front tooth could be much more easily broken off? A. I could understand how a man could lose a front tooth by a very severe blow in the front of his mouth.

Q. You never heard men outside of the reformatory in a fight knock a molar out? A. I can't say that I did.

Q. Was this man ever confined in a dark cell for two months or for any great length of time, where there was no bed or anything for him to lie on? A. No, sir.

Q. Were beds placed in all the cells that were occupied by inmates? A. There were at night.

Q. Were all the cells provided with buckets? A. Yes, sir.

Q. Were you ever present when this man, John McCormick, was punished? A. I wouldn't state positively.

Q. You don't know? A. No, sir.

Judge Gilbert.—It is claimed and they wish to have it appear upon the minutes that it nowhere appears in the evidence of Mr. John McCormick that the punishments which he complains of were administered in the presence of this witness.

Mr. Hoppe.—The witness wasn't asked who was present and Mr. Halpin was present in the bath-room on the dates when the punishments of McCromick are registered.

By Judge Gilbert:

Q. Do you know an inmate named Walter E. Lewis, 4961? A. Yes, sir.

Q. Did the superintendent ever in your presence kick this man or strike him in the face with his fist? A. No, sir.

Q. Never? A. Never.

Q. He states the superintendent did in your presence and the presence of Mr. Sample—you deny it? A. Yes, sir.

Q. Were you present at any time when Lewis was punished? A. Yes, sir.

Q. On more than one occasion? A. Once is all I can remember.

Q. Do you remember the time when that was? A. No; I can't recall the time it was.

Q. Was he ever at any time thrown upon the bath-room floor by yourself or anyone else? A. No, sir; not by myself or anyone else in my presence.

Recess.

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## AFTERNOON SESSION.

Luke H. Halpin, recalled:

Examination continued by Judge Gilbert:

Q. Did you know an inmate by the name of James Lumsden, 5072? A. Yes, sir.

Q. Were you ever present when he was in the bath-room? A. Yes, sir.

Q. Was he punished there several times? A. Once is all I can recall.

Q. Did he at one time drop to the floor or was he thrown to the floor? A. He resisted; not exactly resisted, but he wouldn't stand in position to receive the punishment.

Q. Was he upon the floor; did you throw him there or did he fall there? A. I don't recollect of his having been upon the floor; he would step away out of reach of the strap.

Q. Was he ever at any time in your presence kicked or struck or punched by Sample? A. No, sir.

Q. Or by yourself? A. No, sir.

Q. Did you ever at any time kick him in the head while he was on the floor? A. No, sir.

Q. Or kick him at all while he was on the floor? A. No, sir.

Q. Was he ever hoisted up? A. Yes, sir; on this occasion he was handcuffed; not hoisted off his feet; he was hoisted; he wasn't

suspended; the rope was pulled so he couldn't step away from the position at the window; he was not raised from his feet.

By Mr. Litchfield:

Q. You have seen men raised from their feet? A. One or two, I imagine.

Q. Are you sure this isn't one of those men? A. I don't think it was; I am quite positive it wasn't; I remember him very distinctly.

By Judge Gilbert:

Q. Did you see the wrists after the handcuffs were taken off? A. I didn't take particular notice.

Q. Were his wrists cut or was there an abrasion of the skin, upon either, caused by the handcuffs? A. I didn't observe in his case.

Q. Was he struck on the head with the strap by the superintendent? A. No, sir.

Q. Were his eyes blackened upon either of the occasions when he was punished? A. No, sir.

Q. Was he struck across the abdomen by anyone? A. No, sir.

Q. Was he struck across the stomach five or six times? A. No, sir.

Q. Or struck at all across the stomach? A. No.

Q. Was he at any time struck across the face or over the head with such force as to cause his eye to swell or to cause the flesh to swell around his eye? A. No, sir.

Q. Was he ever at any time so punished or bruised that his face was disfigured or showed marks of severe punishment? A. No, sir.

Q. At any time? A. I can't say; this time I recall, yes; he wasn't at this time; that is the only occasion that I recall that he was spanked; I don't think he was spanked more than that one time.

Q. When he was taken from the bath-room to his cell was a coat thrown over his head? A. No, sir.

Q. Was his neck injured one side? A. No, sir.

Q. Was he helped out of the bath-room behind officers or attendants? A. No, sir.

Q. In any way? A. No, sir.

Q. Was he after he had been paddled the second time taken to the reception-room and left there for a period of six days continously? A. I couldn't say that.

Q. How are the inmates usually brought into the bath-room? A. By one of the officers; the hall keeper usually brings them in by the arm; he takes them by the arm or coat collar.

Q. How is he usually taken away from the bath-room? A. In the same way.

Q. By one or two? A. One.

Q. Why is he taken in or taken out in that way? A. We take him in that way to avoid any trouble; we keep close to him and hold him so as to avoid any trouble; if we had hold of him we would have an advantage; we do that to keep him from running around or getting away before we get in the bath-room.

Q. Was he struck upon any other part of the body except upon the buttocks? A. No, sir.

Q. Upon no occasion? A. Upon this occasion; no occasion as far as I saw.

Q. In giving your evidence so far you have only referred to what did or did not occur upon one particular occasion? A. Yes, sir.

Q. You can't say now what did occur upon a second occasion because you don't recollect anything about it? A. I don't recollect; if there were two occasions this is a liable to have been the second as the first; I can only recall one occasion.

Q. If there were two occasions whatever occurred upon the second one you can't state it positive? A. I can't state positively about any other occasion.

Q. Suppose the man was paddled September 1, 1892, and also upon October 25, 1892, would you have been likely to have been present both times? A. The probabilities are I was present both times.

Q. Do you remember the number of blows he received the time you do recall? A. No; I couldn't state positively.

Q. About how many? A. I would say about six or seven.

Q. Your memory is quite indistinct in reference to that? A. Yes.

Q. As it is with most everything else that occurred? A. Everything else is very clear, I think, the rest of it.

Q. Do you say positively then he was not upon that occasion struck over the head or across the face with the strap? A. He was not.

Q. He was not upon the floor upon that occasion? A. He was not.

Q. And while down that he was not kicked? A. He was not.

Q. Or struck? A. Or struck.

Q. Do you know who else was paddled on that same day? A. I can't recall distinctly; if some one who had been, if his name was mentioned to me it might come back to me.

Q. When he moved from the position in which he was placed for the purpose of receiving the punishment what was done to

him to compel him to take the proper position again? A. I took hold of him, either myself or the other attendant, Mr. Sample, and he was put over in position again and handcuffed.

Q. Do you recall exactly how that was done in that particular case? A. Yes; I am pretty clear about it; I held him and Mr. Sample put the handcuffs on him.

Q. Do you mean to say that was all that was done? A. Yes, sir.

Q. Before you put the handcuffs on him isn't it true that he had dropped down upon the floor? A. No; it is not true.

Q. Do you mean to say that he was not upon the floor that day, flat down? A. He was not that day upon the floor.

Q. Or any other day? A. Or any other day, as far as my memory serves me; that particular day he was not.

Q. So far as you can recollect? A. As far as I can recollect any other occasion he wasn't either.

Q. Is your recollection in reference to the other occasion so distinct that you can say positively whether he was or was not? A. In reference to other occasions it is distinct; I couldn't say positively.

Q. Can you give the date of the occasion you refer to? A. No, sir.

Q. You can't tell if he was punished twice whether it was first or second time? A. No, sir.

Q. Can you tell who was present? A. Mr. Sample and myself and the superintendent.

Q. Any one else? A. No.

By Mr. Litchfield:

Q. Your recollection of the whole affair is so hazy you can't tell whether it was the first or second time? A. My recollection of this particular occasion is clear and distinct; when my memory would be refreshed I might remember eight or nine cases out of ten.

Q. You were present once when this man was being punished? A. It is possible I wasn't present on the other occasion if he was punished; I recollect only one occasion.

By Judge Gilbert:

Q. It is possible that he was one of the inmates that the officers had difficulty with in compelling him to keep the position necessary in order to receive the punishment? A. I don't understand that question.

Q. I understand you to say that upon several occasions it was necessary in order to compel the inmates to take the proper

position, the position they were directed to take, to resort to force to subdue them; may not this have been one of those cases? A. The case I was present at?

Q. No; this inmate may have been one of those prisoners, which upon some one of those occasions when the officers resorted to force to compel him to take the proper position he may have been one of those parties? A. He may have been.

Q. Do you know the inmate, Quinn, 5178? A. Yes; I remember him.

Q. Remember the horse-hair chain matter? A. Yes, sir.

Q. Did you report that matter to the superintendent? A. Yes. sir.

Q. Were you in the bath-room when he was punished? A. I don't recollect whether I was or not.

Q. Do you recollect any occasion when he was punished and you present? A. I don't recollect it.

Q. Did you ever, upon any occasion, in the presence of Lazenby and the superintendent, kick Quinn? A. No, sir.

Q. Or strike him? A. No, sir.

Q. Did the superintendent ever, upon any occasion, say to you or to Lazenby: "Give it to him, but do not mark him?" A. No, sir.

Q. Did Lazenby kick him or knock him down? A. No, sir.

Q. Did he, at the time while receiving punishment, faint or appear to faint? A. No, sir.

Q. Or settle down upon the floor? A. No, sir.

Q. Did you or either of you get a cup of water and give him water to drink to revive him? A. No, sir.

Q. Or use water in any way to revive him? A. No, sir.

Q. Did you say positively that never occurred? A. I say that never occurred.

Q. Or anything like that? A. Or anything like that.

Q. Was he ever at any time struck across the face so as to cause his nose to bleed? A. Not to my knowledge; I say I was not present at an occasion; I can't recall an instance where he was treated so that his nose bled or his mouth.

Q. Was he, at any time, in your presence, while receiving punishment, struck over the head by the superintendent with the paddle? A. No, sir.

Q. Or struck several times? A. No, sir; never was in my presence.

Q. Was he at any time hoisted from the floor? A. Never.

Q. Was he ever at any time hoisted at all? A. Never.

Q. Were the handcuffs and rope placed upon him for the purpose of hoisting him up? A. Never.

Q. Positively say that? A. Positively; never in my presence.

Q. Do you mean to say that he never was so punished? A. Yes; if we assume I was present at every treatment of that kind I would state positively such never occurred.

By Mr. Litchfield:

Q. Suppose we do not assume you were present at every punishment? A. I am supposed to answer the questions as far as my knowledge and belief of the questions are concerned.

Q. If you were present then you deny so and so happened? A. I deny so and so happened.

Q. You can't say positively you were present on a particular occasion? A. I can't say positive.

By Judge Gilbert:

Q. Do you mean to say you were present during the year 1892 at the time when all of the different inmates were punished in the bath-room? A. Yes; I won't say I was there on every occasion; I may have been away for a day, but I was there, generally speaking, every day.

Q. Quinn may have been punished in the bath-room when you were not present? A. It is possible.

Q. Do you remember being present when Lazenby was there? A. I can't recall a case where I was present with Lazenby.

By Mr. Litchfield:

Q. If you have seen such an immense number of paddlings I should think the details of the various events would be indistinct? A. They are, in some cases; the minor details are indistinct, but I remember a great number of cases.

By Judge Gilbert:

Q. Did Lazenby have anything to do with the bath-room treatment during the time you were connected with the reformatory? A. I wouldn't state that positively; he worked in the hall; I can't recall of his ever being with me in the bath-room at any time while any punishment was being administered.

Q. Who was the officer that was generally with you? A. Mr. Sample.

Q. Do you know whether this man, Quinn, was taken to the bath-room the next day after he had received a punishment? A. I couldn't say.

Q. Did you ever, upon any occasion, see the superintendent kick this man, Quinn? A. Never.

Q. Do you remember who was punished in the bath-room the same day that Quinn was punished? A. No, sir.

Q. Do you remember who it was that was engaged in the horse-hair chain matter and was punished? A. I remember Quinn; I remember of having had the case at the time; Quinn was the principal in the case.

Q. Do you remember who the other was? A. I can't recall.

Q. Do you remember the other, whoever he was, was taken to the bath-room and punished too? A. No, sir; I don't remember it.

Q. Do you remember he was taken to the bath-room and the superintendent let him off without punishing him? A. I have an indistinct recollection of it.

Q. Do you remember an inmate named Sullivan? A. The name is familiar; there were many Sullivans.

Q. Do you remember the name of the man who was implicated in this horse-hair chain business? A. I do not.

Q. And that his name was Sullivan? A. No; I do not; Quinn was the principal.

Q. You were the one that made the report to the superintendent? A. I reported to the superintendent.

Q. Did you make a written report? A. I don't think I did; I think the superintendent made the report himself; he made the report out on my verbal statement; I am not positive about it.

Q. That is your best impression? A. Yes, sir.

Q. Did you state to the superintendent where this man obtained the hair? A. Yes, sir.

Q. That he had taken it from the tail of some horse and disfigured the horse? A. Yes, sir; the man admitted the same and turned over to me a quantity of the hair.

Q. Did you see the horse from which the hair was taken? A. No, sir; I did not.

Q. And saw whether the horse was in fact disfigured or not? A. No.

Q. Didn't you afterwards learn it had been taken from a horse's tail that had been cut from a dead horse? A. No, sir; the man stated to me that he cut the hair from one of the horse's tails that was employed about the place.

Q. Didn't Quinn tell you he found the hair at some point about the reformatory? A. No, sir.

Q. Didn't he deny to you he had taken the hair from the horse's tail? A. No, sir.

Q. You made your report to the superintendent upon the strength of what had been admitted or stated to you by Quinn? A. Yes, sir.

Q. You made the report orally and it was put in writing by the superintendent? A. I am not positive about that; I may have made the written report out myself, but my impression is I reported it orally and the superintendent made out the written report.

Q. Have you ever seen that report since it was made? A. No, sir.

Q. Don't you know that report is in your own handwriting? A. I am not positive about that.

Q. It may be? A. It may be.

Q. And that you stated in that, in obtaining that hair he disfigured the horse? A. That was the statement I made to the superintendent or wrote down, if I wrote it.

Q. Do you know a man named Harry Pearce, 5344? A. I can't recall any such man.

Q. Do you remember this man, Pearce, upon one occasion assaulted Officer Murphy? A. If I saw his picture I might remember him.

Q. Did you ever upon any occasion roughly handle this man in the hall? A. No; I don't consider it was roughly; after assaulting the hall keeper he ran over on the north side.

Q. Who was the hall keeper? A. Murphy, at that time.

Q. What did he do to Murphy? A. Murphy went and opened his cell door to take him out and he struck him and knocked him down; when I found out he had done this I went over the floor and found he was up on some of the galleries in the north extension hall; two of the inmates had taken him down and let him go, and he started to run again, and I caught him, and he started to make a noise and I subdued him, choked him a little with my hand on his neck.

Q. Threw him down? A. Yes; we threw him down; Murphy was there right after I got there; I threw him down and got him quieted; then I lifted him up again; he got up himself; I went with him to the superintendent.

Q. Was he taken to the bath-room? A. Yes, sir.

Q. Punished? A. Yes, sir.

Q. Did you see him after he received the punishment? A. Yes; directly after.

Q. Do you remember who accompanied Pearce from the bath-room to his cell? A. I don't remember; I can't say whether it was myself or one of the other attendants; I don't remember which of the others it was.

Q. Was Pearce carried out by two officers, one holding his head and the other his feet? A. No, sir.

Q. If you can't recollect who took him out how can you say positively that he was not carried out? A. There was no such occurrence ever took place in the bath-room; no one was ever carried out; that is sufficient to make me remember; I could remember no one was carried out, so I can state positively he was not.

By Mr. Litchfield:

Q. That is to your knowledge? A. To my knowledge, of course.

By Judge Gilbert:

Q. Did you see him afterwards and see anything upon his face indicating he had been severely punished? A. No, sir.

Q. Did you see any bruise upon his face afterwards, indicating he had received severe punishment? A. I saw him directly after the treatment.

Q. Were you present when he received his treatment? A. Yes, sir.

Q. What was it? A. An ordinary spanking; he had perhaps seven, or eight, or six spats.

Q. Did he show any resistance in the bath-room? A. No, sir; he did not.

Q. Was the officer who was taking him from the cell that morning taking him out of his cell for the purpose of taking him to the bath-room? A. Yes, sir.

Q. He had been chalked in? A. Yes, sir.

Q. While he was in the bath-room, was he struck over the head by the strap or anything else? A. No, sir.

Q. Do you recollect of seeing him after he received the punishment? A. Directly after.

Q. How soon after? A. Two or three minutes after.

Q. What, if anything, did you see upon his face indicating he had received severe punishment? A. Nothing.

Q. Did you see him within a few hours afterwards again? A. No, sir.

Q. Or the next day? A. I wouldn't remember if I did; I may have seen him in my general routine about the place.

Q. Do you recollect of seeing anything either that day or the next day, indicating that this man had received severe blows across his face or over his head? A. No, sir.

Q. Or his eyes swollen? A. No, sir.

Q. Did you see Pearce frequently after this? A. Yes; I must have seen him.

Q. Talk with him? A. I can't recall any conversation with him.

Q. Can you say, from anything that occurred between you and him, whether after this Pearce was deaf or not? A. No, sir.

Q. Did you ever upon any occasion strike this man, Pearce, with you fist or anything else in the mouth? A. No, sir.

Q. Did you ever strike him and knock him down and jump on him? A. No, sir.

Q. In the bath-room or anywhere else? A. No, sir.

Q. Did you hear Sample use profane language to Pearce or any one else? A. I have heard him say damn it, damn or hell; something like that; no unusual profane language.

Q. Never heard him say anything more than that? A. No; I never did.

Q. Do you say this man, Pearce, was never thrown down upon the bath-room floor? A. Not to my opinion he was not.

Q. Upon any occasion? A. I can't recollect any occasion.

Q. Will you say he never was? A. He never was in my presence.

Q. So far as you recollect or know you say he never was? A. He never was.

Q. Either in or out of the bath-room? A. Either in or out of the bath-room.

Q. When he assaulted Murphy you claim you didn't throw him down? A. I did throw him down; that is the occasion.

Q. Did you choke him after he was down? A. Yes, sir.

Q. Did you strike him after he was down? A. No, sir.

Q. Or kick him? A. No, sir; choked him to have him stop his noise; he was yelling at the top of his voice.

Q. What did he say? A. I can't recall of any particular words.

Q. What was the substance? A. There wasn't any conversation.

Q. Can't you recollect anything he was yelling or saying; why was it he assaulted this man, Murphy, as he did? A. To avoid or escape the punishment he imagined he would receive by going to the bath-room.

Q. Do you know why he had been marked in upon that occasion? A. No, sir; I don't recall.

Q. As you understood it he was determined to escape or avoid that punishment? A. Yes, sir.

Q. In attempting to escape it he assaulted this man, Murphy? A. Yes, sir.

Q. As a general thing was it true that inmates did have a perfect horror of bath-room punishment? A. I don't know.

Q. Don't you know it made them angry when they found they had been chalked in for punishment? A. I don't think so; a

good many of them didn't exhibit any anger when they were chalked in; they were very submissive; a great many of them; a majority of them; after they were chalked in and found out they were going to be treated, or the probabilities were they would be treated, they didn't exhibit any anger; some of them did.

Q. Isn't it true in all these cases where you say the inmates resisted and it was necessary for the officers to use force to compel them to submit, were they not all cases where they were trying to resist or avoid punishments? A. Yes, certainly; these were rare cases.

Q. And that in all these cases so far as you know when force was used it was used solely for the purpose of compelling the inmate to submit to this kind of corporal punishment? A. Yes, sir.

Q. Haven't you seen keepers, on eupon each side, supporting inmates as they came out of the bath-room? A. No, sir.

Q. Never upon any occasion? A. Never.

Q. (Presenting same.) Is that the report you made of this man, Quinn? A. Yes, sir; I understood you to say it was made out in my handwriting; it isn't.

Mr. Hoppe.—It is the handwriting of an inmate who was stenographer for the superintendent, named Weller.

The witness.—It is my report to the superintendent.

Mr. Hoppe.—It is partly the superintendent's handwriting; the portion written in lead pencil is in Mr. Brockway's handwriting.

N. Y. S. R.

Demeanor Report of First Class.

Fine, $3.00.

Time..... Date, July 6, 1892.

Cons. No. 5778. Grade ..... Cell No.....

Name, Quinn.

Reporting officer, general superintendent, Weller.

Absent from shop, class, drill or parade without proper excuse.

Answering for another at roll-call.

Criticising reporting officer.

Denial of true report—not sustained.

Disobedience of orders.

Disrespectful conduct toward a superior.

Defacing or injuring public property.

Deserting ranks.

Fighting.

Fraud at examination.

Lying.

Larceny.
Misappropriation.
Making incorrect report intentionally.
Making improper reply to reporting officer.
Not saluting an officer (willful or intentional).
Refusing to give name or consecutive number to officer.
Speaking to a reporting officer without permission.
Threatening reporting officer.
Using profane language.
Using provoking or reproachful language to another.
Willful or intentional neglect of duty.

Explanation:

On information it was ascertained by the lieutenant-colonel that he had in his possession a hair chain which he intended to dispose of. On searching his room a quantity of hair was found, such as is abstracted from the tails of horses, disfiguring the horses and damaging them.

Quinn alleges he found this hair in the pipe shop. He denied having the chain and said it was in his room, but finally concluded to show it up and took it out of his pocket and handed it to Lieut.-Col. Halpin.

The larceny and the lying, with the loss of previous months, result to him in his reduction to the new second grade, for general loss of marks.

At first lying, afterwards admitting. 7-7-92 Quinn modifies his statement in substantial agreement with that of other witnesses.

Reduced to new second grade.

Q. Do you remember an inmate named Henry Shultz, 5366? A. Yes, sir.

Q. Was he ever punished in the bath-room in your presence? A. Yes, sir.

Q. Ever see the superintendent strike him over the head with a strap? A. I can't say that I did.

Q. You don't recollect? A. No, sir.

Q. Did the superintendent ever use a paddle which had two separate straps attached to the handle? A. Never.

Q. While you were present? A. While I was present.

Q. Did you ever see any such paddle as that? A. No, sir.

Q. You claim you never have seen any other paddles than the two referred to? A. Yes, sir.

Q. Do you remember any strap being used while you were connected with the reformatory made by taking two thicknesses of leather and sewing them together? A. No, sir.

Q. Or fastening them together in any way? A. No, sir.

Q. All the straps you ever saw were a single thickness of leather? A. Yes, sir.

Q. Did you ever see any paddle made entirely of leather that has the edges trimmed at one end so as to form a handle? A. No, sir.

Q. Did you ever see a piece of hose used as a paddle? A. I never saw it used; there was such a thing there.

Q. What was the hose used for in the bath-room while you were there? A. It never was used; it was kept there in a box; I never saw it used for any purpose.

Q. Did you know an inmate named Daniel Leahy? A. Yes, sir.

Q. Were you ever present in the bath-room when he was punished? A. Yes, sir.

Q. More than once? A. Once I remember distinctly; twice, I think, I was present.

Q. Did you ever strike or kick this man while in the bath-room? A. No, sir.

Q. Or anywheres else? A. No; I can't recollect of having at any time struck him.

Q. Or did you ever see Sample kick or strike him? A. No, sir.

Q. Did you ever see anyone strike him in the mouth and knock out one of his teeth? A. No, sir.

Q. Or kick him in the face and knock out one of his teeth? A. No, sir.

Q. Did you ever see the superintendent strike this man over his head with a strap in the bath-room? A. Yes, sir.

Q. Upon more than one occasion? A. One occasion.

Q. Did the blow leave any mark upon the inmate's face? A. It left a blue mark, discolored his skin a little here on his cheek; I don't recall which side.

Q. On one side of his face it left a black and blue mark about his eyes? A. Yes.

Q. Did it leave any lump, so far as you know, behind his head? A. No; it did not.

Q. When did you see him after the punishment? A. I saw him directly after.

Q. Did you see him again that afternoon? A. I would see him every day most likely in my trips through the shops.

Q. Did you notice to see whether there was any such bunch? A. I did not.

Q. Was this man, at any time, strung up while receiving the punishment? A. I don't recall it.

Q. Do I understand you to say you only recollect one occasion when he was punished? A. I recollect two; one occasion was when he received the spat over the eye that created the black and

blue mark and another time when he received an ordinary spanking.

Q. What was he doing when he received the blow over the eye? A. Turning his head or in some altercation with the superintendent; words.

Q. You say you know he was at one time strung up? A. I say I don't recall his being strung up at any time.

Q. Do you know whether he was strung up or not? A. He was not in my presence.

Q. If he had been do you think you would know it? A. I would very likely remember it.

Q. Do you think you would know it or recollect it if he was paddled, according to the record, sixteen times, and you only saw him paddled twice? A. I left in April, 1893; I have a distinct recollection of two occasions; that is all.

Q. He may have been strung up on these other occasions and you not know it? A. If I was present he was not; I don't recollect.

Q. He may have been punished the other times and you not be present? A. Possibly.

Q. You don't pretend to state what occurred at those occasions? A. Certainly not; I don't know anything about anything that occurred.

Judge Gilbert.— The prosecution desires to put in proof that part of the reformatory record which shows the following: "Spanked at the reformatory as follows: May, 1892, D; May 30, 1892, D; July 14, 1892, L; July 22, 1892, H; September 15, 1892, E; October 17, 1892, L; October 24, L; November 17, 1892, F; November 26, 1892, E; December 19, 1892, K; January 24, 1893, D; February 6, 1893, H; February 27, 1893, L; March 24, 1893, E; June 16, 1893, L; June 28, 1893, D." The record also shows that he was reported for fifteen different fights. Also on the part of the defense they wish this part of the record to be put in evidence. This inmate was removed March 10, 1892, transferred from the State industrial school at Rochester. Sentenced until 21 years which will be August 1, 1896. Prisoner admitted to Rochester industrial school, April, 1887, until April, 1890. Again June, 1890. Escaped July, 1890; returned February, 1891. Transferred to Monroe county penitentiary. Again State industrial school September 27, 1892.

By Mr. Babcock:

Q. You were familiar with the inmate monitor system? A. Yes, sir.

Q. Did you act in that capacity at any time while you were in service at the reformatory? A. Yes, sir.

Q. How do you regard that system? A. I don't understand you.

Q. Do you approve of it or disapprove of it? A. The advisability of having monitors?

Q. Yes? A. I approve of it.

Q. Inmate monitors? A. Do you mean the inmate monitors, parole officers?

Q. Yes? A. I approve of it.

Q. How long were you engaged in that service, about? A. About three years and a half.

Q. The system worked well as far as you were acquainted with it or saw it? A. Yes.

Q. It has been stated in the New York World, I think, that there were underground cells in this institution; do you know of any such cells? A. No, sir; I do not; of course we don't consider the reception-rooms or seclusion-rooms underground.

Q. I don't refer to those; do you know of any person ever being confined in an underground cell or dungeon? A. Never.

Q. Know of no such thing in the institution? A. There is something in the subcellar; it isn't a cell; it is a compartment that no one has ever been into in my time.

Q. That is used for coal? A. Coal or something like that.

Q. A door placed upon it so they can't escape from the subcellar? A. Yes.

By Mr. Litchfield:

Q. Are there not bars on the windows to that cell? A. I think there are; I am not very familiar with it; I never paid much attention to it, that particular part of it; I have been down in there a number of times; my duty brought me there occasionally.

Q. If there are bars on the windows of that cell why is it necessary to have an iron door to it? A. The bars are on the subcellar side.

Q. To get out of that cell a man would have to get out one of those windows? A. A man, to get out, would have to get through that in the open air.

Q. If those outlets are strongly barred, why is it necessary to go to the expense and trouble of a strongly grated iron door besides? A. I don't understand you.

Q. I understand you the iron door put on that cell is for the purpose of keeping the inmates from going through? A. I suppose that is the original idea of having the place closed up; we have gratings on the place all around, window gratings; you might say why should we have a door to get in.

Q. You don't understand me; I understand you to say that you thought that iron door was put on that cell to prevent inmates who happened to be in the cellar from getting out that way? A. Yes; I imagine that is what it was put there for.

Q. If a man got into that cell and there was no iron door, he could go no further, because the only outlets from that cell were two windows, one on either side? A. He could much more easily get out from the windows if he was inside the door in the cell, much easier get out; I think so, than he could get out through the door; he would be more liable to be detected getting through the door; the idea is to keep him from getting in any place where he would be out of sight; if you get a man where nobody can see him his chances of getting away are better.

Q. How recently have seen that place? A. A year ago.

Q. Describe the condition? A. I couldn't describe it.

Mr. Babcock.—Is there a controversy over that?

The witness.—I will give you my impression at this moment. After you pass through that archway from the prison fire-hole we call it, where the boilers are that supply the place with steam, after you get clearly through there it is on the right hand side. It is constructed of stone and there is a door, grated door, to the best of my opinion, in it leading into the subcellar and on one side there is a grated window, barred window, perhaps twenty-four inches, thirty-six or a little bigger with bars on it; that is the impression I have of it.

Q. Is it square in shape? A. I have never been inside from the subcellar; my views were taken inside.

Q. Do you remember of its being on a level with the floor of the subcellar? A. It isn't; my impression is it is about fifteen inches above the level of the subcellar; in the center of the subcellar.

Q. Do you not remember it is longer in shape than square? A. I never was inside; I never paid enough attention to observe it.

Q. Does not it look more like the end of a passageway than a cell? A. It looks to me like a receptacle for coal.

Q. Were any steam pipes or other pipes in it when you saw it? A. I can't say; I never saw the inside of it.

Q. Wasn't it cluttered up with steam pipes? A. I never saw the inside.

By Mr. Babcock:

Q. You saw and observed in discharging your duties as assistant or principal keeper all the prisoners every day? A. Yes; I have seen most of them every day.

Q. Would you see them so as to be able by looking at them to determine whether they had black eyes or not? A. Oh, I think so; that would be the first thing I would observe in a prisoner.

Q. Is it not true that some of the inmates sometimes got a black eye outside of the bath-room in fighting? A. I think there have been cases where men got into an altercation and received a black eye from the treatment they received from the other prisoner they were fighting with.

Q. Fights did occur how often? A. Not frequently; not every day; not every week.

Q. Didn't they get injured sometimes when they were at their work? A. Occasionally men have been injured by pieces of wood flying from the saw or something like that.

Q. It is not true that you were present at substantially all the spanking during the time you were engaged in that service? A. I was.

Q. Continually, right along? A. If I was in the place.

Q. Were you away from the place? A. I may have been for a day.

Q. Upon the occasion of these spankings did you remain there to see and hear what occurred? A. Yes, sir.

Q. Systematically; that was your habit? A. Yes, sir.

Q. You can speak with certainty as to what you saw? A. Yes, sir.

Q. You have stated, I believe, you never saw any person carried out of the bath-room after punishment? A. I never have.

Q. Can you give us an aggregate of the black eyes you have seen on account of the bath-room? A. I couldn't give any estimate at all; it was rare; the occasions when a man received a black eye were very rare.

Q. What do you say as to the treatment of Mr. Brockway in general of the inmates of this institution so far as you know and have observed it? A. My own experience would lead me to say that his treatment has been fair and just in all particulars, from my own experience; he has treated me.

Q. How has he treated other inmates from your observation? A. From observation, I would say he has treated every inmate first rate, fairly and justly.

By Judge Gilbert:

Q. As I understand it, upon all of these occasions, when the inmate received blows over the head or across the face from the superintendent, it was because the inmate looked in a different direction from that in which he was requested to look by the superintendent? A. That may have occasioned it at times.

Q. So far as you recollect, isn't that the fact? A. No; that isn't the fact; there may have been some other occasion for it.

Q. So far as you recollect, state the occasion or state what was the cause of Mr. Brockway striking the inmate over the head or across the face with the paddle? A. To make him obey.

Q. Obey what? A. Obey the orders of Mr. Brockway; he would order him to turn his head or move here or move there, and the inmate would act as though he didn't pay much attention to what he said; I can't remember any specific case; generally it was to make the man obey him.

Q. That particular kind of order? A. Yes, sir.

Q. You claim that was kind and proper treatment? A. Well, yes.

Q. That it was proper and necessary for the blows to be given with such severity that they would cause black and blue marks upon the face? A. A very slight blow will cause a mark.

Q. I am asking whether, in your judgment, a blow with sufficient severity to do that was a proper blow, a proper thing for Mr. Brockway to do? A. I believe it was when necessity required it.

Q. I wish you would give a more accurate estimate than you have, if you can, of the number of instances where blows were struck over the inmates' faces or their heads, which resulted in such marks, black and blue marks? A. I really couldn't give an accurate estimate; there may have been five or six such cases in my time.

Q. Do you mean to say that, during the entire time that you witnessed these punishments, which you say amounted to in the neighborhood of 400, that of those cases there were only about four or five of them that received blows in that way? A. There may have been more or less.

Q. May there not have been, and are you willing to state positively there were not, as many as twenty? A. Yes; I would state positively there hadn't been as many as twenty.

Q. Will you state positively there had not been as many as ten? A. No; I wouldn't care to state positively.

Q. Will you state positively there were not as many as ten of those who were struck across the face with such force as to make their nose bleed? A. Yes; I will state positively there haven't been ten men whose noses bled.

Q. Or five? A. I wouldn't say five; I would place it at five or six; in the neighborhood of six or eight.

Q. How many instances will you say there were when the inmate was thrown upon the floor by the officers in order to sub-

due him or compel him to submit to the punishment? A. There may have been twelve or fifteen such cases.

Q. And in all those cases such force was used as was necessary in order to compel the inmate to submit to the punishment? A. In my opinion; yes, sir.

Q. Whether it was severe or extreme or not, those are the methods that were used in order to compel the inmate to submit; that depended upon the amount of resistance which he made? A. Yes, sir.

Q. When it was necessary to strike the inmate in order to make him submit he was struck? A. I didn't get it.

Q. When it was necessary in order to make the inmate submit, necessary to strike him, he was struck? A. Yes, sir.

Q. If it was necessary in order to subdue him to kick him, he was kicked? A. No, sir; we never kicked anybody.

Q. Will you say positively, upon none of the occasions when you were present, that an inmate was kicked? A. No inmate ever was kicked when I was present.

Q. Either by you or by Brockway or anyone? A. No, sir.

Q. That you state positively? A. Yes, sir.

Q. Do you mean to say that while you were subduing an inmate for the purpose of compelling him to submit to the punishment that he was never struck with such force about the head or face as to cause an abrasion of the skin? A. I can't say there was; I don't recall an instance; it wasn't exactly striking; the man would be thrown to the ground by force; he would be grappled by two men and put on the ground.

Q. Do you mean to say upon no occasion did Mr. Winnie or yourself strike a prisoner with your fist? A. I don't mean to say that.

Q. Do you mean to say you did do that? A. I say we have done that rarely.

Q. As a result do you mean to say there never was, in any instance, when there was an abrasion made of the skin? A. No; there may have been a little discoloration of the eye, around the cheek-bone.

Q. When the skin was cut so the blood would run? A. I can't recall an instance.

Q. Do you mean to say there never was any such case? A. I do; there never was such a thing when I was present.

Q. Do you mean to say you don't know any such thing ever occurred? A. I don't know of anything like that ever occurring.

Q. You were sent from what place? A. From Tarrytown, N. Y.

Q. For what offense? A. I wouldn't care to go into details; I would prefer not to answer personal questions.

Q. I am requested? A. I would prefer to be allowed to avoid answering such questions, if possible; I will answer them, but I don't care to do it.

Q. I have no desire myself to ask the question, neither did I have the desire to ask the question of any witness that has been placed on the stand, any more than I would wish to be questioned in that way.

Mr. Stanchfield.— I started to make such an inquiry of Cleere and they objected, and Mr. Litchfield refused to allow me to go on with it. I don't see why we are not entitled to the same ruling.

Mr. White.— I didn't object to it.

The witness.— I was subpoenaed to come here to give what information I could in regard to the administration of affairs in the reformatory. I don't think it necessary to pile a lot of questions on me regarding my personal character. I don't see what bearing it has on the case.

Mr. Litchfield.— Certain questions are allowable to impeach a witness always.

Judge Gilbert.— I will leave it entirely to the discretion of the committee; I don't feel at liberty to press the question for the prosecution or for the defense. I am simply asking those questions I am requested to ask.

Mr. Litchfield.— I think we may as well rule that out.

Q. What is your present employment? A. I have no employment at present; this is just the same thing; I don't wish to have any questions asked that are personal.

Q. What has been your employment since you have left the reformatory? A. I have worked on the water-works for a short time; very short.

Q. Are you not residing in Tarrytown? A. Yes, sir.

Q. Are you not engaged in keeping a saloon there? A. No, sir.

Q. Have you been engaged in that? A. No, sir; I have an interest in something that appears to be a saloon.

Q. What is it, in fact? A. It is a small hotel, road-house.

Q. So that really the only business you have is a partial interest in a small hotel? A. Yes, sir.

Q. In or near Tarrytown? A. Yes, sir; it is a saloon as much as any saloon is.

Q. What trade, if any, did you learn while you were here? A. Broom-making.

Q. Had you any trade when you came here? A. No, sir; shoe making; I used to run a machine in a shoe-shop.

Q. You didn't have any particular trade when you came here? A. No, sir.

Q. You learned the trade of making brooms? A. Yes, sir.

Q. Have you tried to get employment at that trade since you left? A. Yes, sir; I have; I tried, not very much, though; I have been discouraged; I haven't made much of an effort at that particular line; I have tried other places to get positions, but not that particular trade.

Q. Have you tried to get employment at any other place than in Tarrytown? A. No; I have not.

Q. That was your native place; that was where you lived all the time up to the time you were sent to the reformatory? A. Yes, sir.

Q. I understood you to say you received your parole at the end of about twelve months after you came here? A. I didn't say that.

Q. After you had been here about twelve months you entered upon official duties here? A. Parole duties.

Q. Were you ever in the lower grade, the red-suit grade? A. No, sir.

Q. You advanced right along up to the first grade? A. Yes, sir.

Q. As far as your treatment was concerned you have no complaint to make? A. No, sir.

Q. In speaking of the benefits to be derived or that are derived from the inmate monitor system, your idea is founded mainly upon what you know of the system, by acting in capacity of an inmate monitor? A. Yes, sir.

Q. And not upon the idea formed or possessed by those who were the subjects of your official acts? A. Well, from my general experience, I don't pick out any one particular illustration that would make me believe; I would advocate such a system.

Q. You never had been lowered in grade or injured in any way by the manner in which an inmate monitor had performed his duty, so far as you were concerned? A. I received a report from an inmate monitor while I was an inmate, but I didn't feel he done wrong; I neglected some little duty and I deserved it.

Q. You never had been unjustly marked or reported? A. Never.

Q. Have you ever noticed or examined the records of the reformatory or studied the question to see what the effect has been upon the inmates with reference to their advancement in standing since the reformatory has been under the inmate monitor system? A. No; I can't say that I have.

Q. Have you examined the records of the reformatory to see what the effect has been upon the inmates since the adoption of the method of controlling or punishing the inmates by the strap? A. No; I have not; I understand the strap has always been in use.

Q. Don't you also understand that since the year 1882, it has been more generally used than it was prior to that time? A. I don't know; I never looked at the books to find out anything of that kind.

Q. Isn't it your understanding that during the past few years it has been more generally used than it was earlier, during the first few years of the existence of the reformatory? A. I couldn't say about the first years how it was used.

Q. So that you can't say from any examination which you have made of the records whether the system of punishment adopted by Mr. Brockway is proper or not? A. No; I can't say.

Q. I ask you in connection with the evidence you gave in answer to Mr. Babcock's questions; did you ever, upon any occasion, see any blood upon the floor of the bath-room? A. Yes, sir.

Q. Upon different occasions? A. One or two occasions there may have been.

Q. See blood upon the wall of the bath-room? A. I don't recall seeing any on the wall.

Q. See blood in the hall leading from the bath-room to the main quarter? A. No, sir.

Q. As I understand it you claim this: That in order to properly subdue or bring an inmate under subjection when it was necessary in order to punish him with the paddle that it was hardly ever necessary to resort to blows or kicks; that two or more officers could handle an inmate without resorting to blows? A. Well, yes, generally; sometimes it was necessary to resort to blows; rarely.

Q. Who ordinarily cleaned up the bath-room, either cleaned the floor when there was blood upon it or excrement? A. The hall keepers, I guess, or some of his assistants.

Q. Did you ever see inmates while they were undergoing punishment soil the floor by their excrement? A. Yes, sir; I remember one occasion where it had been soiled by excrement.

Q. Usually the inmates were very much frightened when they were taken in there? A. Some.

Q. And were laboring under quite intense fear? A. Yes, sir.

Q. Do you mean citizen hall keepers? A. The citizen hall keeper may have had some of his assistant inmate hall keepers.

Q. You agree with Mr. Winnie; he is a very powerful, strong man; you don't consider physically you are a very weak man? A. Well no; I don't imagine that I am.

Q. Quite an unusually athletic man? A. Very quiet, inoffensive man.

Q. What do you weigh? A. Two hundred.

Q. What is your age? A. Twenty-five past.

Q. You are something of an athletic? A. No; I don't imagine that I am.

Q. You have practiced somewhat in those exercises which perfect the system and so on? A. No; I haven't; I don't take any exercise in gymnasium.

Q. Take any boxing lessons? A. No, sir.

Q. Ever engage in any argument? A. No, sir; I may have when I was a youngster.

Q. You are quite skilled in the use of your hand and fists? A. No, sir; my disposition is different; I wouldn't run perhaps, but I would avoid it by other means.

Q. What is the fact with reference to Mr. Sample, is he a strong bodied man? A. He isn't a weak looking man.

Q. About your size? A. A little taller than me; he may weigh 185 pounds; a little taller than me, perhaps half an inch.

Q. Mr. Brockway is a little taller than yourself? A. A trifle, I guess.

Q. I am requested to ask the question whether, in your judgment, you think that it was necessary for four gentlemen, in order to subdue an inmate and compel him to take the strap, to throw him upon the floor and strike him? A. Rarely there were more than two in the bath-room at one time and Mr. Brockway never took a hand in treatment of that kind.

Q. No matter how liable you and Mr. Winnie were to be subdued by the inmate, Mr. Brockway never took a hand in? A. Never took any hand.

Q. If the inmate was likely to be victorious? A. We never had an occasion where the inmate came out ahead, of course, so it wasn't necessary for him to interfere.

By Mr. Litchfield:

Q. With two such strong men as you and Mr. Winnie couldn't you subdue a man without throwing him to the floor and hitting him? A. Not in every case.

Q. Do policemen in the city sometimes arrest powerful men? A. They use different means of getting a felon under control; he would take a club and strike him.

Q. Policemen in New York city use a club as an argument afterwards; in England they are not allowed to use a club only as a last resort; do you know about nippers? A. I have never seen a pair.

By Mr. Babcock:

Q. You state that you saw blood in the bath-room on two or three occasions; do you know whether they came from the nose? A. From the nose.

Q. Did you see blood coming from any other wound? A. No; never saw blood come from the buttocks of a man.

Q. Or from any cuts? A. Or from any cuts.

By Judge Gilbert:

Q. From the nose, caused by a blow across the face? A. By a slight tap of the strap; by the blow of the strap across the face.

By Mr. Litchfield:

Q. And by a blow of the handle of the strap? A. Yes.

By Judge Gilbert:

Q. Did you see blood upon any other occasion there except those when the blood came from the nose? A. No, sir; I never did.

By Mr. Babcock:

Q. What Judge Gilbert chooses to call a blow on the face you call a tap? A. Like that; I would call that a tap; a blow is something that is delivered with more force.

Q. What do you call the blows with this strap given by Mr. Brockway? A. I would call it a tap; I couldn't get a word that would fit it more properly.

Q. Because it was light? A. Very light; there wasn't any force to it; it wouldn't be delivered with any force.

By Judge Gilbert:

Q. If I strike you in the face and give you a black eye you would call that a tap? A. No; I think that would be a blow.

Q. When an inmate received the strap over the head with such force to give him a black eye you would call that a blow? A. What I saw I call a tap.

Q. When it is given with such force as to give the inmate a black eye you still call that a tap? A. Yes.

Q. If I step up and deliberately strike you in the face and make your nose bleed you call that a tap? A. No; a blow.

Q. When Mr. Brockway struck an inmate across the face with sufficient force to make a man's nose bleed you call that a tap? A. I call that a tap, what I saw.

Q. If I should do it, you would call it a blow? A. No; I should call it a blow; if Mr. Brockway should strike me with his clenched fist I should call that a blow.

Q. Suppose he struck you across the face with sufficient force with the strap to make your nose bleed? A. I should call it a tap.

Q. Suppose I should do it with sufficient force to make your nose bleed would you call that a tap? A. What I saw I call a tap; I would call it a tap too.

Q. Sort of a love tap? (No answer.)

Judge Gilbert.—Two of the former inmates insist they were confined in a subterranean cell; it is claimed they were not only confined there but chained to rings; if there are no rings there it shows at once they were not correct.

Mr. Babcock.—Is there any such evidence in the case.

Judge Gilbert.—Not yet, as I know of; but it is so claimed by two parties.

Mr. White.—One party in New York testified as to the location of that cell.

Mr. Stanchfield.—No witness has ever sworn he was incarcerated in that cell.

Mr. White.—Mr. Brockway swore there was no such cell in the institution.

Mr. Stanchfield.—That is so now; it isn't a cell; it is your willful and maliciously wrong characterization of it we complain of.

Mr. Litchfield.—The committee personally investigated that so-called cell and they found the passageway arched, entirely open at the end toward the building, a grating across it, in which there was an iron door; a small grating and iron bar existed across the window. There were steam-pipes and water-pipes of various kinds carried through it in such a way as to incapacitate it from the use of a cell in its present condition, and with every evidence it had been there for a long time. There were two windows in it, giving it the appearance of a cell as you approach it, but it did not impress the committee that it had been used in recent times, if ever, for any such purpose; therefore I suggest Mr. White be allowed to look at it for that reason. It did not present the appearance to the committee of having been constructed originally for any such purpose.

Mr. Babcock.—After that explanation do you still desire to see it.

Mr. White.—Yes, sir.

Mr. Babcock.—Do you want a photograph of it?

Mr. White.—I don't think I care for a photograph of it.

Mr. Babcock.—Have you any objection to some officer of the institution going along?

Mr. White.—No, sir.

Charles W. Nold, being duly sworn, testified:

By Mr. Stanchfield:

Q. You are, at present, an officer of the New York State reformatory? A. I am.

Q. A parole officer? A. Parole officer.

Q. (Witness shown photograph.) Do you recognize the photograph handed you? A. I do.

Q. Who is it? A. Miller, 2780.

Q. Were you at the reformatory during the time that Miller was an inmate of the institution? A. Nearly the whole of the time.

Q. Did you know him personally? A. Yes, sir.

Q. Was he at work in the same shop with you? A. He was working under me in the same department.

Q. What department was that? A. Hardware packing-room.

Q. Did you, while working here, take notice of Miller's teeth so you can speak as to their condition? A. I can speak from that as he spoke to me about it several times himself, and my attention was called to it, he had such a funny mouth about him; his mouth was open most of the time.

Q. What do you say was the condition of his teeth? A. The condition of his teeth were black stubs when they came here.

Q. You observed them and saw them? A. I observed them and saw them as he was continually complaining about them.

Q. Do you know afterwards those stubs were extracted by Dr. Ker? A. I don't know who they were extracted by; the dentist that was employed at the time extracted them.

Q. A plate was made for Miller? A. A new plate was made and he had another plate made; the first one didn't suit him.

Q. Were those teeth in the situation in which you saw them broken or cracked off or chipped by violence? A. No, sir; they were not; they looked as if they had rotted away.

By Judge Gilbert:

Q. Did you room with Miller? A. No, sir; I did not.

Q. Were you in the reformatory when he came here? A. Yes, sir.

Q. How soon after he came did you become familiar with him? A. I should say it was maybe a week's time; I was his dutyman on the gallery; locking him in his cell.

Q. From that down to the time he had a plate made were you intimate with him? A. I wasn't intimate with him; I can't be intimate with any man; I knew him and knew anything that would happen to him.

Q. Did you see him every day? A. Very near every day; yes, sir.

Q. Was he under you in the department where you worked? A. He was under me for part of the time.

Q. What department were you working in? A. I was instructor in the hardware packing-room.

Q. When did he enter the hardware department? A. That I couldn't say; I was there very near two years and a half in that department; I knew him when he worked in other departments.

Q. You knew when he came here he had a full set of teeth, but they were decayed? A. They were decayed teeth, black.

Q. Can you say that you know that he didn't have pieces chipped or broken off or broken off two of those teeth by the blow? A. I can say he never had it done in the institution.

Q. You never was present when he was punished? A. I know the man.

Q. Answer my question. A. No, sir; I never was present.

Q. You never saw the punishment, how it was inflicted? A. No.

Q. Do you mean to say you have had such a perfect knowledge of the condition of his teeth and that you now have such a perfect recollection of their condition that you can state positively that he never, at any time after he came into the reformatory, had even so much as a chip or small piece broken off of one or two of his teeth? A. I can say he had all his teeth extracted for their rottenness, not from any blow; I can say I am familiar enough with the man to know he didn't get a piece chipped off; there wasn't a piece chipped off from any blow.

Q. What was his number? A. Twenty-seven hundred and eighty.

Q. Tell me what was the condition of the teeth of 2781? A. Whole set of teeth.

Q. What was his name? A. I think his name was Halpin.

Q. Not the man Halpin that afterwards became keeper? A. I think that is the same person.

Q. What was 2782? A. I don't know him.

Q. Or 2783? A. I don't know the man whatever.

Q. When did this man come into the reformatory, Miller? A. He came in about 1886 or 1887 or 1888; I think it was in the first part of 1888.

Q. Yet your memory is so distinct, with reference to the condition of his teeth, that he couldn't even had so much as a little piece broken off of one of them without your knowing it and you can't tell within three years when he came into the institution? A. I can't tell the exact date.

By Mr. Stanchfield:

Q. How do you know, as to the condition of his teeth, what occurred between you and Miller? A. He was continually complaining in the shop that the set he had made to replace the ones he had extracted didn't fit him right and he was continually complaining of the cost of them, what it would cost to get a new plate.

Q. Before that what occurred between you and him? A. He was continually complaining of the tooth ache.

Q. Had you looked into his mouth? A. I could see his mouth without looking to see his teeth; the man's mouth was continually open before his teeth were pulled out.

Q. Did you notice the condition of his teeth generally as to their condition when he came here? A. Yes, sir; very filthy and black.

Q. All that he had? A. Yes; all that he had in his head that I could see, as far as his mouth was open.

Q. Was that applicable to both upper and lower? A. Yes, sir; he had rotten teeth in his head.

By Judge Gilbert:

Q. You say it was utterly impossible for him to have two of those rotten teeth broken off without your knowing it? A. Without my knowing it.

Professor James R. Monks, being duly sworn, testified:

Examined by Mr. Babcock:

Q. Where do you reside? A. City of Elmira.

Q. What has been your ocupation? A. Teacher since 1865.

Q. Principal of the academy here for how many years? A. Seventeen years..

Q. Instructor in the reformatory for what length of time? A. About eleven years.

Q. You were entirely familiar with the administration of the internal affairs of the reformatory, discipline, etc.? A. In certain departments I am.

Q. You see what proportion of the inmates in the course of your work? A. I can not tell; I think about a thousand of the entire number.

Q. That you are brought into personal relations or contact with as a teacher? A. Yes, sir; I mean a thousand at any one time; I suppose a greater number when you come to consider the men from the lower classes by promotion come to my department and then enter my class.

Q. Your department is what? A. Natural sciences, ethics, history and literature; it is a lecture department.

Q. You have usually, on an average, about what number before you when you are lecturing? A. In some classes 200; others as high as 600.

Q. Other inmates than those 200? A. Yes; for instance Sunday morning I have, should judge, about 500 and as many or more in the afternoon; they are different inmates; ten inmates in the lower classes will by their successive promotions come up to those classes and listen to my lecture.

Q. So that you see a very large proportion of all the inmates in the course of your work as a teacher? A. Yes; I do.

Q. Do you have conversation with them on topics outside of the lessons or instruction that you give them? A. If I should say yes to that I think it might convey a wrong impression and if I should say no, it would be untrue.

Q. What I am endeavoring to arrive at is the extent of your familiarity by reason of your work with the inmates to be followed up with other questions? A. Any inmate is at liberty to come to my desk and speak to me; am I at liberty to go to any inmate and speak to the inmate and I always have liberty of interviews with inmates on the guard-room floor.

Q. And may talk with them on any topic or they with you? A. I should not deem it proper to talk with them on any topic that did not pertain to their relations with me and to the reformatory.

Q. They are at liberty to talk with you upon those subjects? A. Yes, sir.

Q. Perfectly free to do so? A. Yes, sir.

Q. Let me ask you if any of the inmates of the numerous inmates that you see and meet and talk with have made any complaints to you with reference to the treatment received by them from the board of managers or Superintendent Brockway? A. That refers to the latter period of the eleven years.

Q. Yes, sir? A. I think inmates have said to me that they though —

Judge Gilbert.— They object to what was said between you and the inmates.

Q. Have any of the inmates at such times in the course of your work or conversation with them made complaints to you or Mr. Brockway's treatment of them? A. No, sir; never.

Q. Are you familiar with the inmate monitor system that prevails in the institution? A. I am familiar with it so far as it refers to the control of order in my own classes.

Q. How has the system worked so far as it has fallen under your observation? A. I think with the exception of two or

three citizen officers that the inmate officers have been better monitors in my classes than others.

Q. Do you approve of that system so far as you have observed it? A. So far as the monitorship of the classes that I am instructing I am entirely satisfied with the inmate monitorship.

Q. Deem that to be fit and proper method for the government of the institution? A. I have never seen anything in the conduct of any inmate monitors, or heard of anything of an inmate monitor, in his relations with the government of my class that would lead me to think it was in any way objectionable, but it was in the highest degree an efficient system and I will say that during all my period of work here I have found that such monitors in my classes have given more satisfactory work than the average citizen officer.

Q. Any reason why that might not apply to the monitor system of the whole institution that you know of? A. I do not know.

Q. You don't claim to be sufficiently familiar? A. No.

Q. Whether you knew of any reason why it wouldn't operate just as efficient and well in the institution apart from your work as in and a part of your system, do you know of any reason? A. No; I do not.

Q. In the course of your work you have received, I assume, a great many notes and letters from inmates? A. Yes, sir; I receive from forty to fifty every evening.

Q. Week days and Sundays? A. Yes, sir.

Q. Then you must have received a great many thousand during the period of your service as a teacher? A. I made an estimate once and without any exaggeration I have received about eighty and possibly above a hundred thousand notes from inmates; I answer them orally.

Q. When you meet them? A. Yes, sir.

Q. In those notes that were written to you, that vast number, were there contained any complaints against Mr. Brockway for the treatment they had received from him that you can recall? A. There was not a single note that I recall received by me prior to this investigation where any complaint was made against Superintendent Brockway for any discipline that he had inflicted upon any man.

Q. You never heard any such thing from any inmate until after this investigation was begun? A. No complaint was ever made until after that.

Q. How has this examination affected your department of work so far as to whether the tone of the inmates, the discipline of the inmates is higher or lower; I want to get at the

effect of this examination upon the discipline of the institution so far as you have observed it, if you are able to speak upon that question?

Judge Gilbert.—I hardly think that is a proper matter to be inquired into in this way.

Mr. Litchfield.—It may be a matter for the committee to report on.

Judge Gilbert.—Is it even a matter for this committee to report on, whether the effect is good or bad. That is not for this committee to report upon at all. If it is proper at all it is proper for the purpose of showing that no matter what may be the manner in which the institution is conducted, you must not make any inquiry because it may have a bad effect on the inmate.

Q. Waiving that question, can you tell me from your knowledge of the institution, your familiarity with it, whether the discipline of the institution, the conduct of the inmates is worse or better now than it was six months ago? A. I know it to be much worse.

Judge Gilbert.—I certainly object, in behalf of the prosecution, to that question because it is substantially the same.

Mr. Litchfield.—We would rule that out.

Q. You must, I assume, have observed the general conduct and deportment and treatment by the superintendent of the inmates of the institution generally, have you not? A. Yes, sir.

Q. How would you characterize that intercourse and treatment? A. So far as it has come under my observation and so far as I have learned from the inmates, perhaps that wouldn't be proper for me to state; so far as it has come under my observation it has been one of courtesy, consideration and very careful regard for their reformation.

Q. Have you been present at interviews between Mr. Brockway and any of the inmates at any time upon any subject? A. If you refer by the word interviews to the examination that he makes of new men when they are first admitted I have not.

Q. At other times have you been present at interviews? A. I have often stood by when young men were having the personal interviews with the superintendent in the evening, and I have often been present when he was conversing with inmates on the guard-room floor, in the class-rooms and elsewhere.

Q. Did those interviews indicate, on the part of the superintendent, interest in the inmates, kindness, etc.? A. They did.

Q. Have you ever seen any other spirit manifested by Mr. Brockway toward the inmates of the institution that you can recall? A. Never.

Q. Uniformly of the kind that I have embodied in my question? A. Yes, sir.

Q. Are you familiar with the trade schools at all? A. No, sir.

Q. Have you considered the subject of corporal punishment in an institution of this character? A. Yes, sir.

Q. Do you approve of it or disapprove of it?

Judge Gilbert.—That is objected to on the part of the prosecution.

Mr. Babcock.—It is corporal punishment in the abstract. He is an old school teacher and large experience here; it seems to me it is competent to take his view of the value or want of value of corporal punishment as a remedial measure in this institution.

Judge Gilbert.—As I understand the prosecution, this evidence is objected to upon several grounds. First, that there is nothing yet showing that this witness is an expert upon this branch of the case or can give expert evidence as an expert in reference to this subject. In the next place as to whether corporal punishment is or is not proper as a method of discipline to be adopted in a reformatory like this is a question entirely for the Legislature, or the authority to whom this report is to be made. In the next place, it does not appear Mr. Monks was present at the time when the corporal punishment complained of was inflicted.

Mr. Babcock.—I am not inquiring about this particular punishment here or treatment, I am taking the opinion of an old school teacher who has had thousands of pupils under him, and who has been in this institution for eleven years, and it does seem to me we are entitled to his opinion, or to ask him whether he approves or disapproves of corporal punishment in such an institution. In the abstract the question does not assume he knows anything about it here; we are taking that subject in the abstract. It seems to me with his extended experience as a teacher in this institution and outside in large schools it is competent to express his own approval or disapproval of this method of discipline.

Mr. Litchfield.—Have you proved yet the method of corporal punishment the professor is familiar with?

Mr. Babcock.—He says he has had the subject under consideration and advisement.

Judge Gilbert.—Is it the intention of this committee to receive the opinion of A. B. or C., either for or against the prosecution, upon the question as to what the opinion of witnesses may be in relation to the adoption of corporal punishment as a means or method of discipline in an institution of this kind; isn't that a matter entirely to be left to the authorities who are to pass upon this subject? We can run this investigation to an indefinite length of time. Why should Mr. Monks be put upon the stand, who has been a teacher of great experience in the public schools,

who has had a great deal of experience as a lecturer in connection with the reformatory who, even under the rules, is one of the officers of the reformatory, declared so by the rules, concede all that; a man of great experience, is it claimed for a moment that he, as a teacher of public schools, has taken his pupils and stripped them naked, and with a paddle has punished them by administering blows upon their backs or across their face or over their heads? The question really inquired into is as to whether or not the extreme punishments which have been given in this reformatory are proper or not, and we are simply gathering the facts in reference to them to be submitted to the proper authorities. I wouldn't have taken the liberty to have stated as much as I have on this subject had it not been Mr. Babcock had seen fit to examine this witness in sort of a direct examination. I must say it has given me the opportunity to take the position of opposing the introduction of what I believe to be improper proof. I wish to be fair with the institution, with the witness and the prosecution, and I say it is unfair to put this man on the stand and under oath compel him to give an opinion in reference to a kind of punishment which I know, from looking at him, he would never resort to in the world, so far as governing a school is concerned. He never would order a man or female stripped down to give him an opportunity with a strap.

Mr. Litchfield.— It has not been shown the witness is familiar with the methods of corporal punishment.

Mr. Babcock.— I am not talking about the punishment inflicted in this institution. I ask the witness whether he approves or disapproves of the method of corporal punishment. Not whether Mr. Brockway has inflicted excessive punishment but whether he, who has had charge of a vast number of pupils, approves of corporal punishment as a disciplinary measure. We claim we are entitled to put in that proof to show corporal punishment properly inflicted is a proper method of education and discipline.

Mr. Litchfield.— Ask him first whether he would approve of it in the public schools.

Judge Gilbert.— Let me suggest, and I say frankly, Mr. Stanchfield and Mr. Babcock, as I understand this, it isn't a question whether or not corporal punishment is proper or improper. If the law of this State authorizes the administering of corporal punishment in this reformatory, then it is perfectly immaterial whether Mr. Monks or anybody else approves of it or not, the law declares that it may be administered; that is the end of it. The only question, I wish it distinctly understood, the only question we are inquiring into is as to whether or not the corporal punishment administered here in this reformatory is unreason-

able, is cruel, is severe, is improper, and that is a matter that is to be determined from the facts and not from the opinions. I concede that if the question was as to whether or not it was wise or unwise for the Legislature or the proper authorities to adopt the method of disciplining the inmates of an institution of this kind by means of corporal punishment and we were considering it for the purpose of settling that question, that would be entirely another thing. It is claimed on one side the law says corporal punishment shall not be inflicted in any state prison in this State, and it is claimed by those who so assert that this is a State prison and should not be administered in it. While on the other hand it is very properly claimed that it is not a State prison and that corporal punishment may be administered here under the law. If that is so that is all there is of it, and it leaves that one question whether or not, if it is administered here, whether it is unreasonable, cruel and improper.

Mr. Litchfield.—We are not investigating the legal question as to whether corporal punishment is or is not allowed by law, but if I recollect right the question was allowed of Professor Adler, whether or not he would approve of corporal punishment in his own school. It wasn't put to him whether he would approve of it in the reformatory.

Judge Gilbert.—Suppose Mr. Monks gives an affirmative answer, and I upon cross-examination should ask him if he approves of stripping scholars in school and administering in the presence of other scholars or some of them, upon their bare back.

Mr. Babcock.—There is no such question as that.

Mr. Litchfield.—I will rule out the question unless put in the way I suggest, and even then it is not much use.

Mr. Stanchfield.—Do you mean that preliminary to the question that has been asked?

Mr. Litchfield.—I mean, inasmuch as that has been allowed in Professor Adler's case, I shall allow it here, but as to his opinion of corporal punishment in the reformatory, he can have no opinion except by hearsay.

Mr. Babcock.—He can have his own opinion from what he has seen of the institution.

Mr. Litchfield.—It is not an opinion that would be of any use to the committee.

Mr. Babcock.—May it not be to the Legislature?

Mr. Litchfield.—Not unless he is familiar with the corporal punishment.

Mr. Stanchfield.—He has been here when various systems have been in vogue for the past six months, when corporal punishment has been abrogated.

Mr. Litchfield.— We are not taking opinions; we are investigating facts.

Mr. Stanchfield.— He can predicate upon that situation the advisability of corporal punishment.

Mr. Litchfield.— If you show he is familiar with the corporal punishment as proven here he might have an opinion.

Mr. Stanchfield.— He wasn't present to witness it, of course.

Mr. Babcock.— I don't ask him to pass judgment upon what Mr. Brockway has done in retirement in this bath-room, but I ask whether he approves or disapproves of corporal punishment. The chairman suggests I limit that question to public schools, if I can follow it by a question as to criminal institutions.

Mr. Stanchfield.— Let me for a moment. You were present at the examinations that took place at Dannemora and also over at Auburn, and if my memory serves me right, and I think I can refresh your recollection upon that subject, witnesses were interrogated at both those places with reference to the condition of the discipline in the prison prior to the passage of the general prison act forbidding corporal punishment as with the discipline to-day.

Mr. Litchfield.— Those were facts that came under their notice.

Mr. Stanchfield.— No. Take the witnesses at Dannemora who compared the discipline of to-day with what it was before the prison act had been passed, and he was allowed to state how, in his opinion, the discipline at one time compared with that of another.

Mr. Litchfield.— Ask the professor that question.

Mr. Stanchfield.— The inquiry was addressed to Professor Monks how the discipline of the past six months compared with what it was before, and it was ruled out.

Mr. Litchfield.— That was because it bore upon the investigation. You ask him how the discipline of the reformatory in May last, for instance, compared with the discipline eleven years before, when he first came.

Mr. Stanchfield.— That is when corporal punishment was always in vogue.

Mr. Litchfield.—It wasn't as severe eleven years ago, according to your own showing.

Mr. Stanchfield.— It was quite as severe, but not as extensive.

Mr. Litchfield.— I differ with you. It is more extensive and more severe.

Mr. Stanchfield.— The point I am making, since June it has not existed here at all. There were witnesses at Dannemora to whom that very question was addressed and they were allowed to answer it expressing an opinion.

Mr. Litchfield.—The present discipline of the institution one will understand is more or less upset by this investigation. That is the history of all investigations. We should get the state of affairs existing in August last and prior thereto. You might put those questions to the professor. I will ask him whether he has been present at the infliction of corporal punishment in this institution by Mr. Brockway.

The witness.—I have not.

Q. You never witnessed any spankings? A. I never did.

Q. You never witnessed any blows or spats over the head with the paddle? A. I never did.

Q. You never witnessed any physical contact blows as given in the admonitions by Superintendent Brockway? A. I never did

By Mr. Stanchfield:

Q. You would say the subjects of corporal punishment or blows over the head or physical contact or any other way came before you in the performance of your duties as a teacher in this institution; I mean they were taught by you in various classes, and you knew or know that prior to the inception of this investigation, I take it, that corporal punishment has been in vogue in the institutions for a decade? A. Yes, sir.

Q. So in expressing an opinion you would predicate your opinion upon what you know to have been the results of the infliction of corporal punishment as administered in this institution? A. Yes.

Mr. Stanchfield.—A mere eye view of the infliction of corporal punishment, in my judgment, wouldn't enable one to speak with half the authority as to its effects as a teacher who knows it has been administered and sees its result.

Mr. Litchfield.—Do counsel mean to intimate that the superintendent, who is the only one really familiar, is not as well able to judge of the results as the professor.

Mr. Stanchfield.—As to the mental equipments I don't think Mr. Brockway would be in any better situation than Professor Monks. I think the man who does not inflict it can judge of its effects where pupils are under him, quite as well as the man who inflicts it.

Mr.Litchfield.—Is he a better judge of it than the one who has witnessed the infliction?

Mr. Stanchfield.—No; I wouldn't want to go upon record as saying that I think he would be better, but I should say a teacher who has a class of 200 men, and he knows twenty of those men have been subjected to physical treatment, before the treatment was inflicted he knows they were careless, inattentive, he knows such a man has been subjected to physical treatment, he notices

thereafter a change, that man becomes attentive, he does learn and does his work, he is spurred on by ambition and desire for liberty; that man in that situation is quite as competent to speak as the man who inflicted the punishment.

Mr. Litchfield.— If you have facts of that character you may prove them.

Judge Gilbert.— This is not a question whether corporal punishment shall or shall not be adopted; the question is simply this, whether or not the punishment administered has been cruel and severe and unreasonable; that is all there is of it. Leaving the question whether or not they have a right to resort to corporal punishment in this institution or not is one for the courts to determine whether they can or not, under the law, and whether or not the Legislature will adopt, or authorize, or allow any such method to be adopted; that is another thing, and the only thing that Mr. Brockway is answerable for, as I understand these charges, is as to whether he has been abusing this method or not.

Mr. Stanchfield.— Take Judge Gilbert's argument for a moment. He states the prosecution claim we have no right to inflict corporal punishment, that we are a State prison and we come within the inhibition of the prison act.

Judge Gilbert.— We don't take the position. I say that one set of men may claim that under the law they haven't the right to adopt it in this institution because it is not a State prison, but others may take the ground they have the right. We lay that entirely out of sight; that is not the question in dispute.

Mr. Stanchfield.— Suppose I was going to a committee of the Legislature, either in favor of the confirmation of a report of his committee or in opposition to it, and there were three members of that committee who contended and considered the law forbidding us to use corporal punishment and three that favored it; wouldn't it be germane and proper for me to show by a man with the experience of eleven years that corporal punishment had always made for the good of the institution, had advanced it in every way, benefited the inmates here; it would be legitimate argument for me to use with that committee. Surely so. Apparently here Mr. Hart was sworn at Clinton prison and examined by Mr. Craig with reference to the discipline that was in vogue at Dannemora both prior to and subsequently to the passage of the prison act. It is true he says he was at times present when some of this punishment was inflicted. I don't grasp the significance of that statement.

Mr. Litchfield.— He was asked how the discipline compared before and after. And we only take testimony as to results; they had extreme corporal punishment in use. The witnesses

testified the discipline was better than it was during the severe punishments.

Mr. Stanchfield.— Just the opposite.

Mr. Litchfield.— I don't know that there is any objection if the witness wishes to say that he approves or disapproves of corporal punishment.

Judge Gilbert.— That isn't the point; it is a precedent, and where is this thing to terminate? How many witnesses are to be brought upon the stand for the purpose of expressing an opinion?

Mr. Litchfield.— The committee can say when they have had enough.

Judge Gilbert.— I think the committee and counsel upon the other side will bear me out that from the commencement of this investigation down to this moment I have never asked of any witness a question of this character; some questions of that kind have been asked by some one, but my view of this matter has been, as I have stated, that if this investigation fails to establish the fact that Mr. Brockway has abused the privilege, supposing it to exist, that this investigation so far as he is concerned must fail.

Mr. Stanchfield.— Wouldn't it appeal to your sense of fairness if we show by Professor Monks that people who had been inattentive and neglectful had been transformed by corporal punishment?

Judge Gilbert.— If I was defending Mr. Brockway I wouldn't allow this examination to drift in such a channel that his rights should depend upon mere theories of anyone.

Mr. Stanchfield.— We don't predicate our defense upon theories.

Judge Gilbert.— I am defending his rights when I insist this evidence should be excluded.

By Mr. Litchfield:

Q. Do you approve of corporal punishment? A. I think that those who are charged by the State with enforcing obedience —

Q. (Int'g.) Just answer yes or no in a way. A. I am making an answer you can reject.

Q. Answer my question yes or no. A. I have the Yankee right to ask you what you mean by "corporal punishment," and what your limitations are; do you mean the corporal punishment of a horse, or wife, or chid?

Q. Do you approve of corporal punishment with which you are familiar? A. I think you could get from my sentence just what I think.

Q. Do you, in a general way, approve of corporal punishment in institutions of learning? A. In a general way, I could not answer you; I will state just what I do approve with reference to corporal punishment; you insist on a categorical answer in reference to an unlimited question.

Q. Do you approve of corporal punishment in schools?

Judge Gilbert.— I insist that this investigation shall not drift into a channel where we are making up a record simply of opinions and theories; we are here after facts; we are not here after opinions and theories, and unless this prosecution can stand upon the facts which they produce they must fail; theories have nothing to do with it, and I insist the State shall not be put to him and he can't answer yes or no, he will be permitted which can't amount to a row of pins when the matter is presented to the proper authorities, but I also state that if a question is put to the witness in the manner in which a question is put to him and he can't answer yes or no, he will be permitted to go on and give his reasons and if he can give one page he can give ten, or twenty, or a hundred; we can have a regular treatise here upon the question.

Mr. Babcock.— Is it possible an experienced officer and teacher of this institution can't express his opinion as to the method of discipline that prevails here?

Judge Gilbert.— Certainly; he should not be permitted to express an opinion in reference to a method of discipline he never saw administered.

Mr. Babcock.— You and I never saw it but we know it exists here; the committee never saw it administered.

Q. (Mr. Litchfield.) If you can answer my question categorically, do you approve of corporal punishment in schools? A. I am not opposed to corporal punishment in schools.

By Mr. Babcock :

Q. How is it as to institutions for the government of felons and convicts?

Judge Gilbert.— The prosecution would object to that on the ground that so far as governing institutions of that kind he has not had any experience.

Mr. Babcock.— He has had eleven years experience here.

Judge Gilbert.— Teaching a class that was not in the lower grade and not present when these punishments were inflicted.

Mr. Babcock.— Neither was the committee or you or I, but we have an opinion on that subject and we are trying to inform the Legislature a little further.

Judge Gilbert.— What earthly differences does it make if the law says that the superintendent of this reformatory has the right to punish these inmates by the means of corporal punishment whether we approve of it or not?

Mr. Babcock.— World representatives will be in Albany and if the question of corporal punishment gets in this report they will be there to publish it. Haven't we the right to inform the Legislature.

Judge Gilbert.— Haven't you forgotten the fact that we have a Legislature now that isn't under the administration of the World?

Mr. Babcock.— I don't know.

The witness.— There is a question you asked in the first part of the examination I should have a right to explain.

By Mr. Litchfield :

Q. Do you approve of corporal punishment in institutions of penal or reformatory character? A. I do for certain purposes and not for others.

Q. That is as far as the committee desires to go into that line of evidence.

By Mr. Babcock :

Q. How long have you been acquainted with Mr. Brockway? A. I should say fifteen years.

Q. Is he or is he not a profane man? A. He is not a profane man.

Q. You state that you see a vast number of these inmates in the course of your work; to what extent have you observed black eyes in the institution? A. I have seen very few in all the time of my eleven years work.

Q. And had opportunity to see them if there were any? A. Some summers I have taught all the men that were in the institution every week, the lowest class as well as the highest.

Q. So that you had an opportunity to see the black eyes if they were here? A. I saw every man that was out of his cell.

Q. Has that very fact continued during your entire term here? A. Yes, sir.

Q And included your entire service? A. Yes, sir.

By Judge Gilbert:

Q. As I understand you, you are connected with the reformatory as teacher and lecturer? A. Yes, sir.

Q. Under the printed rules and regulations of the reformatory you are recorded or put down as one of the officers of the insti-

tution, that is, the rules provide that the governing board or officers shall consist of a principal keeper, hall keeper, supervisor of paroled men and transfer officers, steward, superintendent of repairs, engineers, guards, overseers of clerks, and two chaplains, the physicians, school secretary and lecturers and instructors in the schools, and you are receiving a salary here? A. I receive a compensation for each lecture.

Q. You receive it from the State? A. Yes, sir.

Q. I understand you to say, so far as the punishments that have been inflicted in the reformatory by way of discipline, none of them have ever been witnessed by you; you know nothing of your own knowledge in reference to their severity? A. You refer to the physical treatment in the bath-room?

Q. Yes? A. I never saw anything of that kind; there was a question asked me by Mr. Babcock in the earlier part of the examination which was in general form and to which I gave a general answer, expecting to make an explanation later.

Q. What was that? A. The question was asked with reference to these notes that were sent to my desk; there have been from 80,000 to a hundred thousand received by me and read, and as to whether there was any complaint in those notes with reference to Mr. Brockway's discipline or treatment, and I answered there had not been prior to the beginning of this investigation; that term "discipline" and "treatment" of course I understand to reference to the spanking or paddling.

Q. To the method of the discipline adopted in the bath-room? A. Yes; I don't answer it as to anything beyond that; for instance, there was a young man—

Q. (Interrupting.) I don't think it would be fair or proper to go into the contents of these letters, etc.? A. Suppose some young man outside, reading this testimony, finds Professor Monks has said no man has ever made a complaint against Mr. Brockway, and he would know that that was untrue, and that would be untrue, because there have been complaints made to me with reference to the institution concerning Mr. Brockway, but not with reference to the spanking or paddling.

Q. You modify that answer in that way? A. Yes, sir; and there haven't been in reference to any other matter coming under this investigation half a dozen in all the time.

By Mr. Litchfield:

Q. Are you familiar with the general discipline, manners and tution; not the physical treatment, but the general discipline of the institution when you first came? A. Yes.

Q. How does that compare with the discipline, manners and custom, general discipline of the institution at the end of your

ten years' service? A. I am not factious in my answers; by the word "discipline" you refer to the results of discipline?

Q. What you would call discipline as you would observe it on a man-of-war; I do not mean corporal punishment? A. You mean the character of order, whether good or bad?

Q. Yes; compare it at the end of ten years? A. I think the discipline of the institution greatly improved for a number of years.

Q. At the end of the ten-year term? A. I think it was superior to what it was first.

By Judge Gilbert:

Q. What have you to say, so far as you have observed, whether the discipline during the last ten years had a tendency to advance and elevate in grade, etc., the inmates as compared to the discipline that was adopted in early years? A I want to say frankly that I know nothing whatever of any difference in mode of treating the men in the earlier years and later years; I do not know except as was intimated by the chairman, whether there has been a growing severity; I know nothing in reference to that.

Q. Whether there has been a growing or an increase in the per cent of inmates that advanced from the second to the first degree; that is, during the first year that they were here? A. So far as the statistics would show the rate of advancement of inmates from grade to grade at different times; of the institution's history I have no knowledge; I can only speak of the character of the men as evinced in their conduct and the general tone of the institution as manifested in the deportment of the men, and many things have contributed to that.

Q. Judging from that you would say there was an increase in the percentage so far as the rapid advancement? A. I wouldn't say that; I simply say there is a higher tone, but whether there is a greater advancement I am unable to say; that is a matter of statistics; I think the men who have graduated from the institution have confidence in my veracity, and I wouldn't want a single man to feel that I have said anything that was untrue.

By Mr. Babcock:

Q. Is it not true, as a fact within your observation or knowledge, that these inmates frequently get hurt, or get hurt more or less, in their work? A. They have often so said to me.

By Mr. Litchfield:

Q. Do you know, of your own knowledge, they do get hurt in the workshops? A Of course I have not been present when any

man was hurt in the workshop, but I believe men are hurt in the workshops, and that they have told me the truth when they said they were hurt, just as much as I believe there is a city of Paris when I am told.

Mr. Stanchfield.— We want that portion of the evidence out that the witness has seen men with black eyes, unless it is permitted us to show what these men said where they got the black eyes.

Mr. Litchfield.— The evidence is out.

Patrick McLaughlin, being duly sworn, testified:

Examined by Mr. Babcock:

Q. Where do you reside? A. Elmira.

Q. Are you employed in the Elmira reformatory? A Yes, sir.

Q. In what capacity? A. Kitchen keeper at present.

Q. How long have you worked in the institution? A. Over seventeen years.

By Judge Gilbert:

Q. Ever since it commenced? A. There were prisoners here two weeks when I came here.

Q. In what capacity did you serve? A. As guard

Q. For how long a time in that capacity? A. I was only a short time at that, and then I was a guard at night.

Q. How long at that? A. Four years.

Q. What next? A. Then I was in the domestic department, kitchen.

Q. How long have you been in that department? A I was there at that time from 1880 to 1886.

Q. Then what capacity? A. Then I was in the hall as hall keeper.

Q. Which hall? A. Inside, that was from the latter part of 1886 to 1891; then I have been as assistant transfer officer for a year or so, and the last year in the domestic department again as kitchen keeper.

Q. So that your duties have been of such a character that you come into frequent communication or contact with the inmates of the reformatory? A. Yes, sir.

Q. Did you become acquainted with the inmate Patrick Cunningham, 2330? A. I recollect him.

Q. Were you present at the time that he refused to come out of his cell? A. Yes, sir.

Q. Did you assist in taking him out? A. Yes, sir.

Q. Did you take the iron to the boiler-room to have it heated at that time? A. Yes, sir.

Q. When you started with it from the boiler-room was it red hot or not? A. It was just red; that is all.

Q. When you got to the cell, how far was that from the cell where Cunningham was? A. About 160 or 170 feet; from that to 200 feet.

Q. About how long did it take you to go? A. It would take me five minutes; I had three doors to unlock; I had to bring it up a flight of stairs, about twenty-five steps.

Q. Anyone with you? A. No, sir.

Q. When you got to the cell was the iron still red hot? A. No, sir.

Q. Black? A. You couldn't tell; after I took it out of the fire hole it was dark; I could see the red then; as I got it up in the hall you couldn't see any red at all on it, or even inside the hall.

Q. Was it applied to this man Cunningham, as soon as you got to the cell door? A. As soon as we could get it in.

Q. Why was it applied to him? A. He refused to come out.

Q. Did he have any weapon or anything of that kind? A. We expected so.

Q. Supposed he had? A. Yes; and the barricade of the door.

Q. What reason had you to believe he was armed? A. Because he had been previously equipped with weapons.

Q. Had you been present before at his cell when he refused to leave his cell? A. Yes, sir.

Q. When you found him armed? A. Yes, sir.

Q. How did you apply this iron? A. By pushing it through the door and endeavoring to get it at the rear end of the cell, and then by gradually pulling it one way or the other so as to get him to come up toward the door with it.

Q. Did he attempt, in any way, to prevent you from getting the iron around him? A. Yes, sir.

Q. What means did he resort to for that purpose? A. Took his blanket, or whatever he had in his room, and endeavored to grab it.

Q. You finally succeeded? A. We finally succeeded in getting him to the door.

Q. Was the hook hot enough to burn the blanket? A. It would make a little smoke; it wouldn't burn.

Q. Did it start a blaze? A. No, sir.

Q. Was it hot enough to burn his clothes? A. If it came in close contact with the pressure against him, he would probably get out of the way.

Q. Was it hot enough to set his clothes on fire? A. No, sir.

Q. Was his clothing set on fire? A. I didn't see that they were.

Q. Did you see any blaze? A. No, sir.

Q. Do you say positively there was no blaze? A. I say there was not.

Q. Was any water used to put out the fire started by the use of that iron? A. No, sir.

Q. By anyone? A. No, sir.

Q. When you brought him to the door he submitted? A. Yes, sir.

Q. Where did you take him? A. From there to the bath-room.

Q. For what purpose? A. To appear before the superintendent.

Q. Was he punished there? A. Yes, sir.

Q. Did he know at the time you were trying to get in he was to be taken to the bath-room? A. I presume he expected it.

Q. Do you know whether he had been in the bath-room before or not? A. I think he had been; I am not positive.

Q. Were you present when he was punished upon that occasion? A. Yes, sir.

Q. Do you know how many blows he received? A. No.

Q. Did he receive blows upon any other part of his body than upon his buttock? A. No, sir.

Q. Wasn't struck over the head by Mr. Brockway? A. No, sir.

Q. Or struck in any other way except across the buttock with the strap? A. No.

Q. Do you remember how many blows he received? A. I would have to make an estimate of it; I couldn't swear to it whether it was more or less.

Q. Were you present at the punishment he received before that? A. I don't recollect.

Q. In placing the iron around Patrick Cunningham, did you put it around his neck or head? A. No, sir.

Q. Did you burn his neck or ears with it? A. No, sir.

Q. Did you burn his body with it? A. No, sir.

Q. After you got the iron around him did he press back against the crook? A. He came, but he fought it; turned around and faced it; would catch the iron with his blanket, or some portion of his bedding.

Q. The iron was so he couldn't take hold of it with his hands? A. Yes, sir.

Q. The only object of using the iron was to get the man out of his cell? A. Yes, sir.

Q. And avoid his doing the officers any injury? A. Yes, sir; wouldn't attempt to go in without it.

Q. Had you used the iron for any such purpose before that? A. Yes, sir.

Q. Upon how many different occasions? A. I think about five in my experience.

Q. Have you used it any since that time? A. Yes, sir.

Q. About how many times since? A. That is in my whole experience.

Q. Do you think it was ever used upon any occasion when you were not present? A. There might be one; not to exceed one.

Q. Do you recollect when it was that this iron was first resorted to? A. No, sir.

Q. Can you give an idea as to about when it was first used for the purpose of compelling inmates to leave their rooms? A. I was one of the first to use it; that would be 1886; it may have been used once before, but I give that latitude as once.

Q. In every instance where it was used was it where the inmates had refused to leave their cells? A. Yes, sir.

Q. And were armed, or the keeper supposed they were armed? A. Yes, sir.

Q. And believed there was danger to undertake or attempt to remove the inmates by going into the cells and taking hold personally? A. Yes, sir; in every case where it was used.

Q. Was it ever used as a method of punishment? A. No, sir.

By Mr. Litchfield:

Q. Have you been present on every occasion when the hot iron has been used? A. That is what I say, while here, and I have been about all the time; if I wasn't in the hall I would be where I was useful.

By Judge Gilbert:

Q. How many of the men that you used the iron to remove from their cells were in fact armed? A. Nearly every one we removed had some weapon or another, and would have some leg off of a bed or something or another; an iron leg.

Q. Making a formidable weapon? A. Yes, sir.

Q. Do you know who made this iron or invented it? A. No, sir.

Q. Do you know an inmate named John Berkeley, 2548? A. Yes, sir.

Q. Were you ever present in the bath-room when he was punished? A. Yes, sir.

Q. Who was present? A. Mr. Winnie and the superintendent.

Q. While in the bath-room did you have any trouble with this man Berkeley? A. Not that I can recollect.

Q. Did Mr. Winnie upon that occasion strike this man Berkeley? A. Not that I know of; he had no occasion to strike at him.

Q. Was he struck by anyone except by way of punishment by Mr. Brockway? A. No, sir.

Q. What do you say with reference to the wooden blinds or doors being closed at any time to the rest cures? A. We would close them sometimes as the lines would be passing, if we had a man in there that we didn't want the men down strairs to know who was there.

Q. The lines passing on the flag? A. Yes, sir.

Q. Were the doors closed continuously for any length of time? A. No, sir.

Q. For twenty-four hours? A. They would be open every night if they were closed a portion of the day.

Q. Were they ever at any time closed during the day? A. I can't recollect that; I have no knowledge that they was.

Q. For any consideable length of time during any one day? A. No; I don't think they were.

Q. What is the fact as to whether or not when they were closed whether the cell was dark completely? A. It is not completely dark.

Q. Have you been inside when these doors were closed? A. Yes, sir.

Q. As tight as they could be? A. Yes, sir.

Q. You say there is more or less light? A. I can see the light out through where the brakes work.

Q. Over the top of the door? A. Yes, sir.

Q. You have known those doors for how many years? A. Ever since they were up.

Q. During your entire acquaintance with the reformatory have you ever known an instance where an inmate was confined in one of the screen-door cells, and the wooden doors were closed upon him? A. It may be for a certain cause, not as a punishment; they are not used for that purpose.

Q. Not for any particular length of time? A. No; as occasion requires it, if we put a man in there for a certain purpose; not to punish him either.

Q. Do you say positively that those wooden doors were never closed at any time longer than was necessary in order to enable the inmates to pass, those that were passing along the corridor, to pass by these cells, and after the inmates had marched by them these doors were open? A. That is one cause of their being closed; they may be closed for half a day or so for some other cause.

Q. What other cause? A. We would have a young man that just came in, and would put him in there for a few minutes in the forenoon while the lines were passing.

Q. You say there may have been occasions when these doors were closed for half a day or so? A. There may be some cause for it.

Q. Were they not closed for the purpose of preventing the man in the cell from having light? A. No, sir; I never recollect them being closed for that purpose.

Q. Or for the purpose of making the cell dark? A. I don't recollect that.

Q. Can you explain why they were closed at times? A. It would be that portion of it.

Q. Why were they closed while a new man was in? A. I don't recollect now whether it was a new man or not; there would be some cause for their being closed.

Q. In short, they were closed for something connected with the discipline of that inmate? A. No; I think not for punishment.

Q. Do you know that they were, in fact, at any time closed longer than just long enough for a line to pass? A. I don't recollect any instance of it.

Q. The prosecution claims that you have stated in substance that there were times when these wooden doors were closed; for instance, during the afternoon, and were then open at night? A. You wanted to make me say the length of time they were closed.

Q. Were there occasions when that was true, when they were closed during the afternoon until night, and then open? A. That is where the lines would pass and the count going on.

Q. The lines would not be passing all the afternoon? A. No; they would pass in the evening, as they came in.

Q. There were times when they were closed during the afternoon and opened at night? A. I don't take that; I was sure of the night they were open; I can't say they were closed in the day.

Q. I am requested to ask you the question, why you have stated they were closed, but not for the purpose of punishing the man? A. If I had a prisoner and I wanted to put him into a room, I had two to exchange, suppose I would close that door, I would go and get another prisoner and pass that same room on to another, two doors by; the man wouldn't know who passed by and locked the second door to him; I would sometimes do that and then open the door again when I would be done; that would be another case; sometimes I would lock a man, wouldn't come down the same gallery and pass a man I had previously locked, take him around the other side and come the back way with him, the knowledge of one man being so close to another and who that man is disturbs our hall; did at those times.

Q. (Witness shown photograph.) Do you remember an inmate named Thomas J. Miller, 2780? A. Yes, sir.

Q. Were you ever present at any time when he was punished in the bath-room? A. Yes, sir.

Q. Present at a time when he was struck across the face or head? A. No, sir; not that I know of.

Q. With the handle of a paddle? A. No, sir; I can't recollect that.

Q. When he was struck across the face with the paddle and two of his teeth were broken, or stumps broken out? A. Never in my presence.

Q. Or his lip cut? A. No, sir.

Q. He claims that upon one occasion when you and Mr. Rickey were present and Mr. Winnie, that he was struck in the face or mouth, and his teeth were broken or knocked out? A. Not so.

Q. Was he ever struck in the face in your presence? A. No, sir.

Q. Or over the head in such a manner as to leave a scar on his head or face? A. No, sir.

Q. Was he ever thrown upon the floor of the bath-room in your presence? A. Not that I know of.

Q. And trampled upon by Mr. Brockway? A. No, sir.

Q. Injured by the heel of Mr. Brockway's shoe? A. No, sir.

Q. Was he ever at any time in your presence so injured in the bath-room that the blood flowed from a wound on his head, or face, or from his nose? A. Not that I know of.

Q. Were you ever compelled in any way to resort to force in order to compel him to submit to punishment? A. No, sir.

Q. Do you remember what the condition of this man's teeth was before he received any punishment? A. I recollect distinctly all along his teeth were poor.

Q. Have you such a distinct recollection in reference to the condition of his mouth both before and after, that you can say positively that he did not at any time even so much as have pieces broken off of his teeth by reason of a blow received across the mouth with a strap? A. If it occurred at the bath-room I would know it.

Q. But you say you never saw him struck across the mouth with a strap? A. Yes, sir.

Q. Were you present every time Miller was punished? A. Yes, sir; in those times.

Q. Were you present whenever a punishment occurred? A. As far as I know of.

Q. You say positively Miller wasn't struck across the mouth? A. As far as I know.

Q. Do you now distinctly recollect Miller's case? A. I do recollect his case.

Q. And the punishment that was inflicted? A. Yes, sir.

Q. Do you mean to say the superintendent did not at any time, when you were present, strike Miller over the head with the strap? A. I say so, that I don't recollect him doing it.

Q. Do you say positively you did not? A. I didn't see it done; I recollect I was at the bath-room when Miller was there; he may have been there once or twice.

Q. Do you distinctly recollect that upon the occasion when you were present that he was not struck upon any other part of his body except across the buttocks? A. No; I couldn't say that.

Q. Do you know anything about his teeth being extracted and his having a plate made by Dr. Ker? A. I don't know anything of it personally; I heard of it.

Q. I understood you to say before that his teeth were poor? A. Yes, sir.

Q. That they were stubs? A. Yes, sir; decayed teeth.

Q. Both upper and lower teeth? A. I know the upper ones was, and I recollect him being fed on soft food on account of his teeth.

Q. After he had them extracted? A. Yes; while he was under the dentist's care.

Mr. Babcock.— The record shows he was spanked in the reformatory three times: February 15, 1888; February 25, 1888; September 17, 1892.

The witness.— The last time I wouldn't be sure.

Q. About how many blows did he receive the time you were present, that you recollect of? A. I should say he received about nine.

Q. (Photograph shown witness.) Do you remember a man named Jacob Shinsky or Myers? A. No; I can't place him.

Q. Do you recollect being present at any time in the bath-room when Winnie kicked any inmate? A. No, sir; I was never present when Mr. Winnie kicked any inmate.

Q. Or when he struck any inmate? A. Yes, sir; I have, in cases or resistance.

Q. You don't recollect this man Shinsky? A. No, sir.

Q. Did you ever see the keeper or Officer McNish standing over this man Shinsky or Myers with a small knife, as if ready to stab him? A. No, sir; never done in my presence.

Q. Over this man or any other? A. Or any other man; no, sir.

Q. Do you remember of ever being in the bath-room when Mr. Winnie and McNish were there with this man Myers? A. I can't say in connection with that one man.

Q. Do you remember an inmate named Charles Bramst, 2882? A. Yes, sir.

Q. Were you in the bath-room at one time when he was punished and Winnie and Warren were present? A. I have been there when he was punished, but I can't place any time to it.

Q. Were you ever present upon any occasion when he resisted and refused to be punished? A. I can't say that.

Q. And when Mr. Winnie kicked him? A. Not in my presence; no, sir.

Q. Do you remember the man? A. I do.

Q. Winnie never kicked him in your presence? A. No, sir.

Q. Bath-room or anywhere else? A. No, sir.

Q. Did Winnie at any time, in your presence, knock him down and kick him when down? A. No, sir.

Q. Did the superintendent kick him when down? A. No, sir.

Q. Did you ever see the superintendent kick him or any other inmate? A. No, sir.

Q. In the bath-room or anywhere else? A. No, sir.

Q. Did the superintendent, while punishing this man Bramst, or upon any other occasion, when punishing an inmate, take his coat off? A. No, sir.

Q. Was this man Bramst punished two days in succession? A. I can't say.

Q. Can you say he was not? A. No, sir; I can't say.

Q. What do you know with reference to this man being at one time chained in the solitary for three days with both hands? A. No, sir.

Q. Did you ever know any instance where the inmate was chained by both hands to the ring in the corner of the solitary? A. No, sir; I never knew of it.

Q. How were they usually chained? A. One side of the cuffs would be put on one wrist and the other cuff hitched in the ring or sliding bar.

Q. How long is the longest time you have ever known an inmate to be continuously fastened in a cell in that way? A. I can't recollect any distinct case where I could place it.

Q. Can you recollect as to whether or not any inmate was ever confined in that way in a solitary for any great length of time? A. No; I couldn't say.

By Mr. Litchfield:

Q. You have know them fastened down by the hand to that ring in the morning? A. Yes, sir.

Q. That has been done quite frequently? A. Not frequently.

Q. Not a great many times in the course of your experience here? A. It would not be done often.

Q. Is it the custom to fasten them oftener to the ring in the floor or the sliding ring? A. Sliding bar.

By Judge Gilbert:

Q. How long have you known them to be confined in the solitary chained to the ring on the sliding bar? A. I should say a week.

Q. They may have been confined in that way for a longer time? A. That is as long as I can place it.

Q. What was the usual fare, or diet? A. The fare would be two meals a day.

Q. Of what? A. In the morning to consist of corn-beef hash and bread.

Q. And at night? A. Bread and molasses.

Q. Isn't it true that at times the inmates confined in these solitaries were given nothing but bread and water? A. There is cases; yes, sir.

Q. For how long a time have you known inmates to be kept on that kind of diet? A. I would say for twenty-four hours.

Q. Do you say you have known an instance where an inmate was kept on bread and water for a greater length of time than twenty-four hours? A. Twenty-four hours, and possibly forty-eight; I can't place it exactly.

Q. Do you say there was never an instance where they were kept on bread and water for a longer period than forty-eight hours? A. Not to my knowledge.

Q. Did you always have charge of the solitaries? A. While in the hall.

Q. For how long a time did you have charge of that? A. Four or five years, and twenty-four hours would probably cover it.

Q. Were any of the men ever allowed but one ration a day of bread and water when they were confined in the solitary, consisting of just one meal of bread and water; have you ever known of an instance where an inmate was confined in the solitary cell and was only allowed bread and water once in twenty-four hours? A. I could say that one meal would be bread and water, but I can't say how long.

Q. Can you say you never have known of an instance where an inmate was confined in a solitary cell, and received only one meal, consisting of bread and water? A. I can't place it.

Q. Will you say there hasn't been such instances? A. No, sir.

Q. You will not say it? A. No, sir.

Q. There are wooden blinds or shutters to the windows that face the front tier of solitaries? A. Yes, sir.

Q. Have you ever known those blinds to be closed? A. No, sir; not entirely tight.

Q. Have you ever known them to be closed? A. No, sir.

Q. Upon any occasion? A. No, sir.

Q. Do you say that those blinds or wooden doors were never closed, or that you never were directed to close, or never directed any one else to close those blinds or doors over the windows? A. Yes, sir; I say so.

Q. What did you mean when you said a moment ago: "Not entirely tight?" A. There is one or two that is divided in two; the whole shutter might be closed to the whole window; the other one where the heater is is a half, and the upper one would be open.

Q. Instances when the lower part would be closed and the upper part left open? A. Yes; men working outside in that portion of the yard; shut their view out.

Q. Is your recollection distinct about that? A. I think so; yes, sir.

Q. Did you ever receive any particular orders from any one in reference to it? A. Never to close them.

Q. With reference to those blinds? A. No, sir.

Q. Either to close them or not to close them? A. No, sir.

Q. Do you know why the blinds were so constructed as to cover the entire windows if they were not to be closed? A. I can't say that I do.

By Mr. Litchfield:

Q. The entire management of the windows was left to your discretion? A. As far as I know of in the day time; at night I had nothing to do with them.

By Judge Gilbert:

Q. Was there any officer over you? A Principal keeper.

Q. Who was the principal keeper at that time? A. Mr. Winnie.

Q. So far as your management of the halls, you were subject to Mr. Winnie's orders? A. Yes, sir.

Q. Do you mean to say you were never, at any time, ordered by Mr. Winnie to close those blinds? A. Yes, sir

Q. Were you ever ordered by him to keep them open? A. No, sir.

Q. Do you remember an inmate, George Cowen, 3543? A. Not by name.

Q. Do you remember him by number? A. No, sir.

Q. Joseph Thomas, 3677; do you remember him? A I would have to see the photograph.

Q. (Photograph shown witness.) A. Yes, sir; I have seen that man.

Q. Do you recognize him? A. Yes, sir.

Q. Were you ever present in the bath-room when he was punished? A. I can't say I was; I don't recollect it.

Q No recollection of being present in the bath-room with Thomas when Winnie was present? A. No, sir; I can't place the man as being there; I know we had such a man; possibly I was down there.

Q. Do you recollect you were ever in the bath-room with this man when he resisted and refused to take his place at the window, and effort was made to subdue him and compel him to take the punishment? A. No, sir.

Q. And during that attempt on the part of the officers that he was struck or kicked by Mr. Brockway? A. No, sir.

Q. Or that he was struck over the head? A. No, sir.

Q Do you recollect any such occasion or circumstance as you have referred to, or that Brockway kicked this man? A. I should say in my presence it isn't so.

Q. This was never done in your presence? A. No, sir.

Q. He may have been struck over the head with the strap? A. He might have been tapped a light tap with the strap on the head.

Q. Do you recollect whether it was light or heavy? A. No, sir.

Q. My question was whether he might not have been struck over the head with the strap? A No, sir.

Q. That however occurred? A. Yes, sir.

Q. You are positive Mr. Brockway never kicked this man in your presence? A. Yes, sir.

Q. That you would have remembered? A. Yes, sir.

Q. He was never knocked down in your presence? A. No.

Q. That you would have remembered? A. I would if I had any hand in it.

Q. Suppose it was done by Winnie and others, would you then remember it? A. Yes, sir; the cases are so few.

Q. Are you acquainted with Inmate George Wogan, 3800? A. I recollect the name.

Q. Were you ever present upon any occasion when he was punished in the bath-room? A. I don't recollect.

Q. (Showing photograph.) You do recollect whether upon any occasion you hoisted him off the floor during the time he was receiving punishment? A. That I couldn't say, whether I passed him up or not.

Q. There were occasions when inmates were strung up? A. Yes, sir.

Q. During the time they received their punishment? A. Yes, sir.

Q. What do you mean by that, how was that done? A. There would be handcuffs put on this way, and then an attachment in the center that would take the slack up.

Q. Were they drawn up off of their feet? A. Yes, sir; necessary to hold them up in position.

Q. They were held in that position during the time they were receiving the punishment? A. Yes, sir.

Q. Do you mean to say they were drawn off the floor? A. No, sir.

Q. Or drawn up so their feet would not touch the floor? A. Feet entirely on the floor, unless for a moment or so they wouldn't stay in their place.

Q. Do you mean to say that the inmate never was drawn up so that his feet wouldn't touch the floor? A. He was never drawn up and held there.

Q. Do you mean to say he never was drawn up so that his feet wouldn't touch the floor? A. He might have been drawn up for a second or two and set back again in his place.

Q. Do you know about how many of the inmates were drawn up in that way? A. No, sir.

Q. Can you give any idea as to the number? A. Very few of them.

Q. About how many? A. I should say there would not be one case in 150 that was punished.

Q. I am requested to ask you how many spankings in all have you witnessed? A. I would have to estimate that, lump it.

Q. Do you think as many as a thousand? A. No, sir; I don't think I have.

Q. Between 500 and 1,000? A. Yes; I think so.

Q. Have you been present at all the paddlings that have occurred ever since you have been in the institution? A. No, sir.

Q. You refer only to those where you have been present? A. Yes, sir.

Q. That covers the entire period of time you have been here? A. Certainly it would, because I didn't see anything else in the other portion of the time.

Q. Do you know anything about how many times this man George Wogan was punished? A. No, sir.

Q. Do you recollect whether you were present at any time when he was punished? A. I can't place him; I recollect him distinctly.

Q. Were you ever present at a time when Mr. Brockway had an interview with this man on the guard-room floor? A. No, sir, not to my knowledge.

Q. Did you ever see Mr. Brockway strike this man in any way? A. No, sir.

Q. With a strap or anything else? A. I can't recollect it.

Q. You can't place him? A. No, sir.

Q. You say you have been present in the bath-room when punishments have been administered between 500 and 1,000 times? A. I think so.

Q. Have you seen the backs of the inmates just after punishment? A. I have seen it while in process.

Q. And immediately after? A. After they got done.

Q. Ever see the backs of any of them after they had been taken to the cells? A. I would in some cases.

Q. What have you observed with reference to the effect which the blows had upon their buttocks? A. I should say it was reddish discoloration on it.

Q. What do you mean by discoloration? A. I should notice that particular spot different from the rest of the body.

Q. In what respect did it differ from the color of the skin around the place where the blows had been given? A. Red, quite red.

Q. Any other appearance? A. Sometimes as it would get along would turn darker.

Q. What do you mean by that? A. Kind of a bluish color.

Q. What is called ordinarily black and blue? A. Yes, sir.

Q. What was the appearance of the back a day or so afterwards in those cases where you had seen their backs? A. It would gradually go away.

Q. Any instance when there was an abrasion of the skin? A. Not to my knowledge.

Q. And when the blood would run? A. No, sir.

Q. Do you swear positive there was never any instance where the skin was broken by the force of the blow and the blood caused to run? A. Yes, sir.

Q. The only effect you observed was the discoloration of the skin? A. Yes, sir.

Q. First red and after a while black and blue? A. Yes, sir.

Q. For how large a space over the buttock would you observe that condition to exist? A. Mostly on the right buttock.

Q. How large a place? A. It would extend about two inches by four or five.

Q. The inmates frequently exhibited or claimed to suffer great pain from the effects of the blows? A. No, sir; I never heard any expression from them afterwards.

Q. While being punished would they sometimes cry? A. Yes, sir; holler.

Q. Beg? A. Sometimes; yes, sir.

Q. Promise to do better? A. Sometimes.

Q. What do you say as to the superintendent's invariable rule to desist from punishing them immediately upon their promising to do better? A. I have often heard him say as he would be playing the strap: "I don't want to strike you another blow; straighten up and do right; behave yourself."

Q. Would he wait for an answer? A. Yes, sir.

Q. If they didn't answer, then what? A. He would continue sometimes.

Q. Would Mr. Brockway invariably, when he asked the inmate if he would promise to do better or would do better, and the inmate would promise to do so, to behave himself, would Mr. Brockway then desist from punishing him? A. Yes; any case that he asked.

Q. As far as your knowledge goes, he did that in every instance A. Yes, sir.

Q. What do you say in reference to the method of taking the inmates to the bath-room or from the bath-room? A. I have done both.

Q. Describe how it is usually done? A. I would go to the cell where the man was locking, and I would unlock the door, and if a man came willingly he would step up in front of me; I would usually go through him.

Q. Examine him to see if he had any wapons? A. Yes; in a general way, and came out ahead of me, and I would walk behind him down to the bath-room, and sometimes I would take him by the arm.

Q. That was the method of taking him down? A. Yes, sir.

Q. In taking him away from the bath-room, after he was punished? A. I would see that he picked his clothes up, pantaloons, not leaving his buttock bare, pull his shirt up, take his clothes in his hand, and assist him out with my hand, take him by the arm out to the next door and turn him over to the officer.

Q. That officer would take him to his cell? A. Yes, sir.

Q. Was there ever an occasion when you or any other officer that was present when the inmate was punished accompanied the inmate upon one side and another officer accompanied him upon the other side to his cell? A. No, sir.

Q. Don't recollect any such occurrence? A. No, sir.

Q. Was there ever any occasion when an inmate that was punished was carried out by the officers? A. No, sir; not in my time.

Q. Any occasion when the inmate, during the punishment, fainted or appeared to faint? A. Yes; make a fake of it sometimes.

Q. Upon several occasions? A. No, sir; very seldom.

Q. You claim they were pretending? A. Yes, sir.

Q. Do you remember any particular case? A. I can recollect them in my mind; such cases occurred.

Q. Can you recollect any instance where a certain number of blows, the number that you now recollect, after they had been given, the inmate, as you claimed, pretended or feigned to be unconscious? A. No, sir; not from that; I have seen them drop down from the first blow even, just through faking.

Q. To the floor? A. Yes, sir.

Q. What would you do? A. We would get them up again.

Q. And stand them on their feet? A. Yes, sir.

Q. If they didn't stand up what would you do? A. We would handcuff them and hold them up.

Q. Suspend them? A. Wouldn't suspend them; if they staid in their proper place, they would stay there.

Adjourned to Thursday, February 1, 1894.

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Thursday, February 1, 1894.

The committe met pursuant to adjournment.

Patrick McLaughlin, recalled:

Examination continued by Judge Gilbert:

Q. Do you remember any occasion when the assistant to the physician, the hospital steward, came to the bath-room to see whether a man had fainted or not? A. I don't recollect any such case.

Q. When one of the keepers or officers called his attention to the condition of a man? A. I don't remember it.

Q. Breese was the name of the steward? A. No, sir; not in my time; I have never seen any of them in a state of exhaustion.

Q. You are not a physician? A. No, sir.

Q. When you say it was a fake on the part of the inmate that was simply your opinion ? A. Yes, sir.

Q. All you could say, in fact, is this, that while they were undergoing the punishment they would fall or settle down upon the floor ? A. Yes, sir.

Q. You and the attendants claimed they were pretending to faint ? A. I do; we have had one or two cases of that.

Q. Do you say you have only had one or two cases in all the cases you have had ? A. As I recollect.

Q. Do you claim your recollection is perfect upon that subject? A. It is upon that.

Q. So you can say positively there was never but two cases? A. One or two.

Q. Which will you have it ? A. I will have two.

Q. Who were they ? A. I can't mention their names; I recollect the occurrence.

Q. Do you know how many blows they had received before they appeared to faint ? A. One blow, I have seen.

Q. One of them he had only received one blow ? A. Yes, sir.

Q. How old a lad was he ? A. I should think about 19 or 20.

Q. Can't give his name ? A. No, sir; just got the case in my mind's eye; I see it before me.

Q. What kind of a looking man was he, about what was his heft ? A. Probably about 120.

Q. Can you state anything else in reference to his appearance ? A. Dark complexion, not very tall.

Q. When you refer to their falling down or faking, do you mean to say they threw themselves down ? A. Yes, sir; dropped right down.

Q. Wilt down ? A. The exertion they used in doing that showed me that they fell right down.

Q. They didn't throw themselves backward or sideways the whole length of the floor ? A. No, sir.

Q. Just dropped down in their tracks ? A. Yes, sir.

Q. Not from the force of any blow they received upon the face or head ? A. No, sir; I took it that way; they didn't stand up and take their punishment.

(Examination of this witness suspended for the present.)

Morris C. Barber, being duly sworn, testified:

Examined by Mr. Stanchfield:

Q. You reside where at the present time ? A. Buffalo.

Q. Were you at one time connected with the Elmira reformatory ? A. Yes, sir.

Q. In what capacity? A. Keeper.

Q. Do you recollect what years you were here? A. From 1887 to March, 1893.

Q. (Witness shown photograph of George Wogan, consecutive number 3800.) Do you identify the photograph as that of an inmate here at the time you were a keeper? A. Yes, sir; I remember him.

Q. Was there ever a time when Wogan, whose picture I show you, and whom you identify, was, at the interview table on the guard-room floor, struck in your presence by Superintendent Brockway, with his fist, knocking out a tooth? A. No, sir.

Q. Was he ever struck anywhere at any time or kicked by Mr. Brockway in your presence? A. No, sir.

Q. When you were here you were a citizen officer? A. Yes, sir.

By Judge Gilbert:

Q. Were you present at an interview had between Wogan and the superintendent of the reformatory at any time? A. I couldn't say that I was.

Patrick McLaughlin, recalled:

Examination continued by Judge Gilbert:

Q. Did you know an inmate Michael Coyne, consecutive number 4024? A. Not distinctly can I place him.

Q. (Showing photograph.) Do you remember an inmate by the name of Samuel Gross, consecutive number 4346? A. I know him; I don't know whether that is his name; I know him by the photograph.

Q. Do you recollect of his being punished in the bath-room? A. Yes, sir.

Q. Upon more than one occasion? A. I recollect one.

Q. Do you remember who was present? A. No, sir; I recollect that I was there and the superintendent.

Q. Was Winnie there? A. I can't say that he was.

Q. Or Halpin? A. There was someone with me, but I can't place him.

Q. Can you recollect whether he was ever kicked in the bath-room? A. Not in my presence.

Q. Either by Mr. Winnie or by the superintendent? A. I can get this particular case of this man; he was not at that time.

Q. Do you remember distinctly you were present? A. Yes, sir;

Q. You can't recollect who was present besides yourself? A. No.

Q. Were you present upon more than one occasion when he was punished? A. I can't recollect.

Q. You identify him from the photograph? A. I know the circumstances of that one particular time; he had stolen some neckties; I recollect that particular.

Q. You recollect whether he was chalked in, and why he was punished? A. Yes, sir.

Q. Do you receollect whether he went willingly to the place where he was to receive the punishment? A. Yes, sir.

Q. Do you remember the number of blows that were given? A. No, sir; I do not.

Q. Remember whether he was struck over the head or not? A. He was not.

Q. You know upon that occasion he wasn't kicked either by Winnie or the superintendent? A. Yes, sir.

Q. Or across the face? A. Neither; I know this particular report was not against him at this time.

Q. It seems by the record that he was punished three times, first July 29, 1891, the next time was September 17, 1891, and the next time was September 30, 1891; do you recollect of being present more than once when that man was punished? A. I do not.

Q. But at the time when you were present you claim that he was neither kicked by Winnie or by the superintendent? A. Yes, sir.

Q. Nor was he struck over the head or across the face with a strap? A. No, sir.

Q. And he didn't, while undergoing the punishment become unconscious? A. No, sir

Q. Or feign unconsciousness? A. No, sir.

Q. You have been here, you say, from the time the reformatory was first established? A. Yes, sir.

Q. Continuously down to the present time? A. Yes, sir.

Q. What, if anything, do you know in reference to the cell which is called a dark, underground cell, in the vicinity of the boiler-room? A. There isn't any and never was any.

Q. There isn't any cell there and never was any? A. No, sir; not used for that purpose; nobody ever confined there; if you will want to I will go on from the beginning as I first saw it.

Q. That is what I am asking you for? A. That other side of the building; the other side of our inmate dining-room and guard-room floor there was no building at first attached to it, but underneath there is where we had the boilers, and all our coal was received in there, and on the other side of the building was a half circle that came out there from one corner of the

building to the other, and about ten feet in the center across; we run down by a wall of ten feet, right straight down.

Q. A pit? A. Yes; an area hole; under here on one side was a grated window, here was the other, and a double door right in the center; our boilers were set under there, our coal was received through those two doors and wheeled in back of the boilers, and then when the domestic building was built the next season, that came on a square right straight across, leaving this area hole between the two, and then we had to have a passage from the domestic building in through our inmate dining-room; there are two more double doors right upstairs; the passageway was made across here, just one story over the landing on the ground floor, and that wall went straight down as a support; that, as you can see, included those two doors on the bottom, and came right against this outside circular wall; that is what forms that passage as you see it now, and then for years we had a shed that received the coal; after we closed that up we received the coal through that wall, and that is what was used for as you see it now, as a coal shed, and right over that is our steam pipes, runs right through from that center of the building, in through our domestic building, and inside of that is a duct of about two feet around, and in our domestic building next to that was our bakery in former years; one morning about five o'clock we lost three men that came right through that duct, and went through the brick wall that we put in there.

Q. How far are the boilers now? A. They have been entirely removed from the main building out to the boiler-house, in the center of the field.

Q. You claim that this cell, as it is called, this underground cell, was simply a coal shed or a place through which coal was brought into the boiler-room? A. Yes, sir; used for no other purpose.

Q. Never was used for any other purpose? A. No, sir.

Q. Why was a heavy grated door at the end of this passageway or shed, next to or towards the boiler-room? A. That was in the original building of the building; there was no building on the other end at all; the original intention was to have all the heating apparatus underneath, down there where it was, whether it would be run by prisoners or who it would be run by.

Q. You say that door with the lock upon it was put there when the building was originally constructed? A. Yes, sir.

Q. When it was originally constructed there was no cell outside of that door? A. An area passage right outside.

Q. Since that time it has been built around with stone? A. Brick.

Q. And the two windows put in with doors ? A. No, sir; those were in before; it was in the architectural plan of the building on that end.

Q. A great portion of the time you have been connected with the reformatory you have been in charge of the domestic or kitchen department? A. Yes, sir.

Q. For what length of time were you so connected with the reformatory in this department? A. Six years at one time.

Q. When was that six years ? A. From 1880 to 1886.

Q. During that time it wasn't a part of your duty to look after the men in the cells ? A. No, sir.

Q. Nor to look after the corridors or cells? A. No, sir.

Q. Or to see how or where the men were confined ? A. No, sir; that wasn't my duty.

Q. With reference to this cell which you have been referring to or passageway, it is so constructed with barred windows or walls and barred doors that an inmate could be confined in it very safely ? A. No, sir.

Q. Why not ? A. If the coal were to go through a shute I think a man could get out the same way.

Q. As I understand it, the window through which the coal was thrown into this space was barred ? A. I can't say that it is barred.

Q. You don't know whether it is barred or not ? A. No, sir.

Q. If both windows were barred then an inmate could be confined there very safely ? A. No, sir.

Q. Why not ? A. Because it is not thick enough in the first place.

Q. How heavy are these walls upon the side? A. I should say about twelve inches.

Q. Made of what material ? A. Brick and mortar.

Q. During the six years that you were not required to look particularly after the inmates in their cells, can you say positively of you own knowledge that no inmate was ever confined for any length of time whatever in that cell or space ? A. Yes, sir.

Q. How can you say that ? A. While in the domestic department I had the feeding of the whole prison.

Q. You didn't go around to each man ? A. I know where I delivered it.

Q. You didn't deliver it ? A. I delivered it to those who did deliver it.

Q. You dealt it out in bulk to different persons who distributed it to the individuals? A. Yes, sir.

Q. How often do you say you visited that space or cell during those six years? A. Every day I would be down that area.

Q. Were you every day down to or in that cell ? A. No, sir.

Q. Or where you could look in and see if there was anyone in it ? A. No, sir.

Q. Were you there as often as once a week, so that you could see whether there was anybody in ? A. No, sir.

Q. Or once a month ? A. No, sir.

Q. Or once in six months ? A. Yes, sir.

Q. If there is any explanation you desire to make in reference to it I wish you would make it ? A. All those years while we had that place down there, and I was in the domestic building, right outside the area on the left was a room underneath, men were working at that continually, and that would be within three feet of this cell that you claim; those men I would see every day, and I would see the coal come and be unloaded repeatedly through that hole.

Q. Thrown into one of these windows ? A. On one side.

Q. And carried through this cell or space into the boiler-room ? A. Yes, sir.

Q. You seemed to desire to make some explanation with reference to the matter of which I was inquiring ? A. They were asking how they got in.

Q. After I asked you a few questions, something about the barred windows, you stated you thought a man could escape out of the hole ? A. There was no grate there when coal was shoved in, the coal went right down.

By Mr. Babcock:

Q. Was the wall sufficient to hold a prisoner in confinement there? A. I should say not.

Q. Isn't the wall of the usual thickness of the reformatory walls generally ? A. No, sir.

By Mr. Babcock:

Q. Did you, while you were kitchen keeper, know all the men who were under discipline and where they were located? A. No, sir.

Q. If a man had been penned in this so-called cell you would have had to supply him with rations ? A. I certainly would have known it.

Q. Did you ever in your life supply a person with rations there? A. No, sir.

Q. How long since it ceased to be used for any purpose ? A. Since those boilers were removed from there; that must be eight years, I should think.

Q. In all your time here did you ever hear of a person being confined in that place? A. No, sir.

Q. How long since you have been there to that place? A. I have been down there inside of ten days.

Q. What is the condition of the cell with reference to its being occupied; isn't it full of debris and uneven? A. As far as I could see, I was outside of it; the stream that comes to the domestic building has to come through that place, more or less of the pipes.

Q. Large pipes or small pipes? A. Both small and large pipes.

Q. Did you, about ten days ago, go inside? A. Yes, sir; I went in with the foreman in the subcellar to see what was the matter with the pipes that I couldn't get steam; that would bring me close to those double doors.

Q. How far were the original boilers from this coal pit? A. They would not be over ten feet.

Q. Before the domestic building was built? A. Yes, sir.

By Mr. Litchfield:

Q. During all these years do you know or have you ever heard of any underground cell in this establishment? A. Never knowed of any and never heard of any.

Q. Never knew of any cell for the confinement of prisoners situated lower than the solitary cells? A. No, sir.

Q. No single cell by itself in any one part of the building? A. No, sir.

Q. As I understand you, during the last eight years this space, passageway or cell has not been used for the purpose of conveying coal to the boiler-room? A. No, sir.

Q. You say that you have examined it about ten days ago? A. Yes, sir; several times recently, on account of the steam.

Q. How often did you visit this place during the eight years that you refer to? A. That I couldn't say.

Q. Are you willing to state positively you were there as many as eight times? A. Yes, sir.

Q. More than that? A. Yes, sir.

Q. How many more? A. I should say that in the course of eight years I have been in the place.

Q. The eight years during which it has been used as a passageway for coal? A. I should say I had been there twenty-five times.

Q. I also understand that there are pipes, hot-air pipes, or water pipes, or pipes of that character, that run through this alleyway, as you call it, from one building to another or for the purpose of distributing water and heat through the reformatory? A. Yes, sir.

Q. Are they pretty large pipes? A. There are two or three sizes there.

Q. Many of them? A. I should say about four.

Q. Are they located near the floor, through this space? A. They are on one side of it.

Q. Close or near the floor? A. No, sir.

Q. Pretty well up? A. About elbow high; some a little higher; that is about the lowest one; run on that side.

Q. Have you ever know of their being any rings or any other apparatus in this room or space to which a prisoner could be chained or fastened? A. No, sir.

Q. You have never known anything of that? A. No, sir; and I have seen it from top to bottom.

By Mr. Fanning:

Q. Did I understand you to state that the walls of that room were brick? A. Yes, sir; the side walls, as far as I know of.

Q. Think a moment? A. That is my impression.

Q. You went in and saw the floor covered with debris? A. I looked in.

Q. Didn't you go in? A. No, sir; not recently.

Q. Wasn't the debris you saw on the floor stone and mortar; old mortar that had been taken from the wall in pushing the new pieces through; did you see any brick there? A. I don't recollect that.

Q. Isn't that room arched with brick and the side walls stone? A. I think so.

Q. What is the rear wall? A. The rear wall is stone, and it is pretty solid too; after those men escaped that was filled in more secure, and as occasion required it since; we may have to drive a pipe through there.

Q. The debris on the floor is from that wall; old stone? A. Yes, sir; we may have to drive a pipe in there, and that is a job we dislike.

Q. How did that piece of railroad iron come to be laid across there? A. That may be for the bridge; that I didn't know anything about; that was to srengthen that arch; when we put the boilers there we had to go out a place; make an irregular turn as you notice, then came one side and tried to get in this main thing.

Q. The brick arch or ceiling has been made since? A. Yes; since the main building was built.

By Judge Gilbert:

Q. Have you ever, at any time, seen Winnie, or Halpin, or Sample, or McNish strike or kick an inmate? A. You would have to separate that question.

Q. I will separate it in this way; have you ever seen Winnie strike or kick an inmate? A. I have seen him strike; yes, sir.

Q. Upon how many different occasions? A. I should say two.

Q. Only two? A. That is all I should say.

Q. Do you mean to say that you can only remember two? A. Yes, sir.

Q. Do you mean to say there never were but two occasions? A. I couldn't say that.

Q. How many times have you seen Mr. Halpin strike or kick an inmate? A. I never saw him.

Q. Upon any occasion? A. No, sir.

Q. In any place? A. No, sir.

Q. How many times have you seen McNish strike? A. Once is all.

Q. Where was that? A. That was a man who wouldn't come out of a room, had to overcome him.

Q. What man was that? A. I can't recollect his name; I recollect the circustance.

Q. Was it in the cell or outside? A. In the cell; he refused to come out.

Q. Did you ever see Sample kick or strike? A. No, sir.

Q. Did you ever see the superintendent strike or kick any inmate, strike them except with the strap? A. No, sir.

Q. Never did upon any occasion? A. No sir.

Q. Or Colonel Bryan? A. No, sir.

Q. Did you ever strike an inmate yourself? A. Yes, sir.

Q. Upon how many different occasions? A. I should say on four.

Q. How many in fact? A. Four that I know of.

Q. Do you say you never did except upon four different occasions? A. Yes, sir.

Q. Do you state that positively? A. I do.

Q. Where did that occur? A. Two occurred in the room.

Q. Bath-room? A. No; in taking men out; the other McNish, and the other with Mr. Winnie; I have slapped two men here, just duties.

across the cheek with my hand like that, in the course of my

Q. Did you ever strike or kick an inmate in the bath-room? A. No, sir.

Q. Did you ever assist in subduing an inmate in the bath-room? A. Yes, sir.

Q. Do you mean to say upon those occasions you didn't strike them? A. Not to my recollection; I don't recollect striking anyone there.

Q. Wouldn't you be likely to recollect? A. I can't recall any single instance where I done it.

Q. Will you say you didn't? A. No, sir; I couldn't say that I didn't when occasion required it.

Q. Will you say you didn't, upon some of those occasions, kick the inmate? A. Yes, sir; never kicked a man.

Q. I am requested to ask you this; you stated a moment ago that you were positive you never struck but four of the inmates, and now you state that in the bath-room you don't know how many you have struck? A. I have no recollection of ever striking a man in the bath-room; my part there would be to have the handcuffs and try to put them on; that leaves me outside of it.

Q. When blows were given on such occasions, by whom were they usually given? A. The endeavor to subdue would be from the principal keeper that was there.

Q. Who was usually with you? A. Mr. Winnie.

Q. Have you upon different occasions seen Mr. Winnie strike inmates in the bath-room? A. No, sir.

Q. Do you say you never did? A. I couldn't say that I did.

Q. Will you say he never did? A. No, sir; I can't say he never did.

Q. Will you say that Mr. Sample never did in your presence? A. Yes, sir.

Q. Or Mr. McNish never did? A. I couldn't say that.

Q. But do you say, so far as the superintendent is concerned, that for the purpose of subduing an inmate, or compelling him to take the punishment, you never saw him strike an inmate? A. Yes, sir; I can say that.

Q. What was usually required of you while in the bath-room, in order to compel an inmate to submit to the punishment? A. My duty was to get the handcuffs or endeavor to put these on, and to hold those you couldn't do anything except to try and get the hands of the prisoners.

Q. It was your duty to carry the handcuffs and put them upon the prisoners, if necessary? A. When the occasion required.

Q. The others used their force or strength in attempting to bring the inmate into position where you could place upon him the handcuffs? A. Yes, sir; with their assistance.

Q. Who usually, after the handcuffs were placed upon the inmate drew him up? A. That I would assist in.

Q. Usually how many would assist in drawing him up? A. Not more than that; generally one.

Q. Frequently two? A. Not frequently; very seldom two.

Q. About how often did two join in raising? A. It wouldn't occur once in — I couldn't really answer that.

Q. If the prisoner wasn't raised off the floor why was it necessary for two officers to draw him up? A. Generally the principal keeper would assist him by having hold of his collar and the counter-balance with the rope pulled him up if he didn't come willingly; in most cases he would stand up willingly.

Q. Why was it necessary for two to take hold of the rope to draw him up, if he wasn't drawn off his feet? A. That was to draw him up on his feet.

Q. Do you mean to say that that was only in those cases where it was necessary to hold the man up straight on his feet? A. Yes, sir.

Q. Two never joined for the purpose of raising him off of his feet? A. Well, sometimes the principal keeper would step over where I was and touch his hand on it; that would occur.

Q. As I understand it, the superintendent never assisted in drawing him up? A. No, sir.

Q. This was done by the keepers? A. Yes, sir.

Q. I see by your appearance you are a man about six feet tall? A. Not quite.

Q. How much do you lack of it? A. Probably two inches, or two and a half.

Q. Do you say you are only five feet nine and a half? A. Yes, sir.

Q. Have you never been measured? A. Not in years.

Q. Don't you know you don't lack one inch of being six foot? A. I have no knowledge of that fact.

Q. What is your heft? A. I weigh about 165.

Q. Haven't you weighed more than that? A. I have.

Q. During the years that you were assisting in subduing and controlling inmates, didn't you weigh more than that? A. I might reach 170 at odd times; probably two times.

Q. As I understand it, this Colonel Halpin, Winnie, Sample McNish, were all large, athletic, strong men; are you not? A. Fair; I don't as there is anything to brag of.

Q. Usually you are armed? A. No, sir; not usually inside.

Q. When you are taking men in the bath-room and subduing them are you not usually armed? A. No, sir.

Q. Never have any arms? A. Occasionally; not as a rule.

Q. As an invariable rule you don't go armed? A. No.

Q. Do you frequently go armed when you are taking inmates to the bath-room, and go there for the purpose of controlling them and subduing them? A. No, sir.

Q. What are the arms you generally carry ? A. I would carry a revolver if I was armed.

Q. You do carry one? A. Not always; no, sir.

Q. Do you not sometimes carry a revolver ? A. Yes, sir.

Q. Do you not sometimes carry it into the bath-room ? A. Yes, sir.

Q. For the purpose of protecting yourself, etc., in case of an assault by an inmate ? A. That may be.

Q. What I was getting at was as to what the situation was as far as the officers were concerned while they were in the bath-room, and what their ability was with reference to protecting themselves and compelling obedience on the part of an inmate; that was all I wished to get at; have you ever upon any occasion. know an inmate after he was taken into the bath-room to be armed ? A. I can't recollect any single instance of it.

Q. Do you not think that two or three of you gentlemen were strong enough at any time to take hold of a prisoner and hold him, and put the handcuffs upon him, or subdue him without striking or kicking him? A. No, sir; without striking him at least.

Q. Then I take it in all these cases where it was necessary for you to subdue the inmate you did strike him ? A. Is that directed to me ?

Q. To all of you ? A. I presume I should say yes; in times striking should be done.

Q. Frequently blows were struck across the face of the inmate or over the head with the strap with sufficient force to cause black and blue bruises upon the face or head ? A. At times.

Q. You agree with others that was done usually upon occasions when the inmates failed to look in a particular direction ? A. Yes; failed to mind.

Q. Those blows were not given for the purpose of punishing the inmate for anything that he had done before he was taken into the bath-room ? A. I think that is right.

Q. But solely because he looked in a different direction from what he was directed or requested ? A. Generally so.

Q. Weren't those blows sometimes given when the inmate would turn around and cry, or beg, or ask Mr. Brockway to stop, to desist ? A. That I can't say.

Q. Can you give an idea how many inmates have been struck across the face or over the head with a strap for the reason that they turned their heads or for any reason ? A. Very seldom.

Q. Can you give a per cent about ? A. Probably one out of fifty that would come down there under punishment might get it; I don't know as it would reach that, quite.

Q. In your judgment about how many punishments, about how many times have inmates been punished with the strap during the last five or six years prior to the first of last September? A. That I don't know; it would be only an estimate; I couldn't get at that.

Q. I will withdraw that question; down to what time was it a part of your duties to be present when punishments were inflicted in the bath-room? A. About the beginning of 1891.

Q. Commenced about what time? A. Latter part of 1886.

Q. During that four years about how many punishments do you think were inflicted in the bath-room with the strap? A. I should say about 1,200, as near as I can reckon it.

Q. About how many blows on an average do you think were given during that time? A. They would vary.

Q. On an average? A. I would say about five on an average.

Q. During the four years about 6,000 blows were given by the superintendent upon the buttocks of the inmates; during that time about twenty-four inmates were struck over the head and across the face with the strap, one in fifty you say? A. Yes; about one in fifty I think is about right.

Q. Did you see the backs of these inmates after they were punished? A. Some I have.

Q. What marks, if any, did you notice that were made by the strap or blows? A. I noticed that the skin was discolored.

Q. Do you mean black and blue? A. Yes; some time afterward, skin smooth on the outside.

Q. Ever see any cases where the flesh was cut and the inmate was bleeding from the effect of the blows? A. I never saw it.

Q. Or see any abrasion of the skin upon the face or head caused by a blow from the strap or anything else? A. Confine it to the strap; there may be in the scuffle in subduing — you have a long road for me to travel.

Q. Not from the strap? A. Not from the strap.

Q. From any other cause? A. Might in the overcoming or overpowering a prisoner who wouldn't submit.

Q. Don't you know that frequently after subduing the inmate you found that he was bleeding from wounds or injuries which he had received during the tussle? A. Yes, sir; the nose would sometimes bleed.

Q. Do you recollect any instance where there was an abrasion of the skin caused by a blow from the handle of the strap? A. No, sir; I don't recollect any instance of it.

Q. In those instances when an inmate, as you claim, feigned fainting or unconsciousness he would drop down upon the floor? A. Drop right down; yes, sir.

Q. In those cases if he wouldn't stand up you would apply the tackle to him and draw him up? A. In the cases in my mind I have no recollection of ever drawing one of those fakirs up.

Q. To make him stand up? A. Yes, sir.

Q. What would you do in order to get him up, lift him up? A. Lift him up; probably get a slap across the face to wake him up.

Q. To wake him up and make him stand up? A. Yes, sir.

Q. Those blows would be given by the superintendent? A. No, sir.

Q. Slap across the face by an officer? A. Yes, sir.

Q. In the presence of the superintendent? A. Yes, sir.

Q. Do you mean to say invariably it was a slap? A. No; I don't; you reach it so long for me.

Q. I am simply trying to get from you both sides of this matter; I don't want you to enlarge it or keep anything back; I may not adopt that method that either side would approve of here; is there any question you have failed to fully answer that I have asked? A. Those cases of feigning are very rare and if the principal keeper was right there he would reach down and get him, of course, and in bringing him up he might get a slap across the face like that and set him up there.

Q. Will you say an inmate was never struck upon those occasions by the keeper with his fist? A. With the open hand; I should not say with the fist.

Q. Will you state positively an inmate never was upon those occasions struck with the keeper's fist? A. Yes, sir; closed fist.

Q. The inmate would be held there until he received the amount of punishment which the superintendent saw fit to give? A. Usually; yes, sir.

By Mr. Babcock:

Q. You stated that Winnie struck two convicts and did not explain the circumstances or why he struck them? A. In one case Mr. Winnie entered a room to take a man who refused to come out, and I followed him; we took the man out; in that case I know Mr. Winnie struck him.

Q. With his fist or his open hand? A. That I couldn't say.

Q. What was the occasion for striking him? A. The man refused to come out of his room; in place of waiting to get the iron, he says, "We will take him out;" he resisted on entering the room on that occasion, so we done it.

Q. Did he make any hostile demonstration against Winnie? A. Yes, sir; he was up on the bed with the gas-arm unscrewed ready to repel anybody that entered.

Q. Did he make an offer to use it? A. Yes, sir.

Q. In defense of that conduct of the prisoner, Winne, you say struck him? A. Yes, sir.

Q. The other occasion? A. The other is an instance in the bath-room where the man turned, I can't state who it is now; I recollect distinctly of the man turning and squaring for Winnie.

Q. In an attempt to strike Winnie? A. Yes, sir; first he was ordered and turned right around and squared for him.

Q. Do you say Winnie did it in self-defense? A. Yes, sir.

By Mr. Litchfield:

Q. Is that the only occasion you ever saw a man spar at Mr. Winnie in the bath-room? A. I won't say that but that I recollect distinctly.

Q. Have you often seen them strike at Mr. Winne in that way? A. I couldn't say that.

Q. Very rare occurrence? A. Yes, sir.

Q. No a frequent occurrence? A. No, sir.

Q. Some witness stated it was his duty in taking prisoners to the bath-room for punishment to go through them at the cell? A. Yes, sir.

Q. That was part of your duty? A. Yes, sir.

Q. Your object was to see if they had arms of any kind? A. Yes, sir.

Q. Did you frequently find arms? A. We would; yes, sir; find a knife.

Q. A knife usually? A. Yes, sir.

Q. Ever find anything in the nature of a slung shot? A. It has been done; I can't place it.

Q. Usually a deadly weapon in shape of a knife? A. Yes, sir.

Q. A short knife? A. A small pointed knife sharpened up; sometimes peculiar handles attached to them.

Q. Were they usually knives that already existed in the shop? A. No; special construction.

Q. Your search was very thorough always? A. Wouldn't go through the shoes; would just go through the pockets.

Q. You would go far as was necessary to see if they had dangerous weapons? A. Yes, sir.

Q. You had no intention of allowing a man to go into the bath-room with a dangerous weapon? A. Not if we could prevent it.

By Mr. Babcock:

Q. They were really searched before they were taken to the bath-room and that is the reason you found no weapons on them

in the bath-room? A. In the general search that I would make I would run across them; they could have concealed them otherwise.

By Mr. Litchfield:

Q. Was the search so thorough that no man that passed through your hands afterwards turned up with a weapon in the bath-room? A. I wouldn't say that.

Q. Did it ever occur in your presence? A. I don't recollect of it.

By Mr. Babcock:

Q. It appears that you sometimes carry a revolver; can you state how many days in the year you carry your revolver? A. I would go on for a month without carrying it.

By Mr. Litchfield:

Q. Then for how long a period would you carry one? A. A few days.

Q. What calibre revolver do you carry? A. Thirty-eight.

Q. What make? A. A self-cocker; I don't know what it is.

Q. Long barrel? A. Short barrel.

Q. Pocket pistol? A. Yes, sir.

Q. Do you carry it in a belt? A. In my pocket.

By Mr. Babcock:

Q. Would you carry it more than a month in a year on an average? A. It would depend upon what I was doing; if I was out on the road I would carry it continually; if I went after prisoners as I have in the last two or three years.

Q. During the period you were attendant in the bath-room what proportion of the time would you carry it as near as you can state? A. I carried it very seldom in the hall.

Q. Very seldom into the bath-room? A. Yes, sir.

By Mr. Litchfield:

Q. You are not required to carry a pistol into the bath-room? A. No.

Q. No part of the rules or regulations to carry weapons? A. No, sir.

By Mr. Babcock:

Q. Did you carry a club or any other weapon in the bath-room? A. I have at times carried a club in my pocket.

Q. What kind of a club? A. A little billy.

Q. What was that for? A. Customary in former times here to have one but we have done away with it.

Q. When about? A. I guess while I was in the hall, there was no regulation about it.

By Mr. Litchfield:

Q. Did you ever have occasion to use the club in the bath-room? A. I never used it there.

By Mr. Babcock:

Q. How often did you see any blood in the scuffles in the bath-room; can you state that approximately? A. No.

Q. Was it few or many? A. Very few; coming from a nose bleed or something like that.

Q. That was received during the scuffle resulting from the refusal of the inmate to submit to the treatment? A. Yes, sir.

Q. It appears that you have slapped, Judge Gilbert calls it blows, slapped some person, I think you said four? A. About four times.

Q. I wish you would explain why you did that; first let me ask you whether they were blows with the fist or slaps with the open hand? A. One I can explain more distinctly is one with the open hand; it was in the laundry; a man was washing out the tub, and I had several times just previously to that asked him to desist in talking; six or eight worked together, and he was what I call a ringleader among the rest, and he turned back to me and from his manner I just took him like that as he turned to me, I don't know whether he was going to reply or not.

Q. Did you think he was going to assault you? A. No; I don't think I did.

Q. Was it a blow of any force? A. No, sir; kept right on with his work; mentioned it as I came up.

Q. Go on with the explanation of the other occasion? A. All the others that I recollect were in endeavoring to overcome prisoners.

Q. Where they were resisting and were disobedient? A. Yes, sir.

Q. The force you used was necessary for the purpose for which you employed it? A. Yes, sir.

Q. What has been the treatment of the general superintendent of the prisoners in his intercourse with them, whether it is kind or unkind? A. I always considered he was too fair with them; he used them too good.

Q. You mean by that in your judgment the discipline has been mild and the prisoner well and kindly treated by the superintendent? A. Yes, sir.

By Judge Gilbert:

Q. Do you think it was mild and tender treatment to strike an inmate over his head and face with a strap with force sufficient to make a black and blue bruise; you have seen that done, haven't you? A. Yes, sir.

Q. Do you say that was kind, tender treatment? A. I take it as a whole.

Q. I want to know of that? A. It was part of the method employed.

(Question repeated.) A. I should put it in the same category I should a parent with a child; I can't hardly frame it in my mind.

Q. Was it necessary? A. Yes, sir.

Q. No other means could be adopted except to strike that kind of a blow, do you mean that? A. I do.

Q. That he couldn't be compelled or induced to turn his head or look in the right direction, or direction required, except by the aid of such blows? A. I can't say that; he could have adopted some other means.

Q. Then it wasn't necessary? A. I think it was.

Q. No other means would answer? A. Not at hand at that time.

Q. Couldn't one of the officers or couldn't the superintendent have taken both their hands and turn that man's head in the proper direction? A. That wouldn't be free will; we wanted the man of his own free will to do it.

Q. Couldn't that have been done? A. It could.

Q. Couldn't his head have been held in that direction while receiving the rest of the blows? A. That don't answer.

By Mr. Litchfield:

Q. Have I asked you if you were acquainted with nippers used by policemen in the cities? A. No, sir; I am not acquainted with them.

Q. You have never seen them? A. I don't recollect seeing them.

Mr. Babcock.—I ask the member of the committee present if the financial portion of the reformatory or financial status of the institution is with the scope of this investigaton?

Mr. Litchfield.—It is within the knowledge of counsel that the financial matters or method of carrying on the finances of the

institution have been examined by a special accountant appointed by this committee by the request of the Comptroller of the State and with the consent and approbation of the Board of Charity Commissioners.

John Bowers, being duly sworn, testified:

Judge Gilbert.—I was going to suggest this as I have understood the scope of this inquiry and investigation and I have been so far as I have had anything to do in conducting it, have conducted it upon that line and that theory, the investigation related solely to the question as to whether or not the conduct of the superintendent, Mr. Brockway, had been such toward the inmates of the reformatory as was lawful or proper under the law, and the inquiries that have been addressed to the various witnesses that have been put upon the stand, the records that have been introduced during the investigation have related solely to that subject so far as an inquiry is concerned into the financial affairs of the reformatory, as I understand it they are not a part and have not been made a part of this investigtion. The Comptroller has desired an examination to be made and at his request an expert, Mr. Bowers, as I understand it, was requested to examine the books. In view of the fact that so far as the evidence on the part of the prosecution is concerned the evidence is closed; it is closed as to all questions and all issues and it seems to me it isn't right to open up now an inquiry or present a question for investigation or a subject for investigation that may take another six months. I say here in behalf of Mr. Brockway and his counsel that I don't think that he ought to be required, so far as this investigation is concerned, to go into that subject. If ever the expert makes a report to the Comptroller or anyone else, and those interested in the reformatory believe that it is not an accurate and proper report they may take proper steps to have it more thoroughly investigated. I don't think we ought to enlarge the field of inquiry here particularly at this time.

Mr. White.—There is nothing in the formulated charges about the finances.

Judge Gilbert.—It seems to me it would be very improper, under the evidence as it now stands, for any report to be made by this committee that would in any way reflect upon the manner in which the financial affairs of this institution have been conducted.

Mr. Rathbone.— It was understood by the board of managers that this inquiry was to be into the financial as well as the disciplinary matter. I think Mr. Craig did also, and this expert was appointed by him, and it was to be part of the investigation and was understood by Mr. Craig and the board of managers.

Judge Gilbert.— There has not been one single word of evidence put in reference to it.

Mr. Rathbone.— There has not been an opportunity.

Judge Gilbert.— It should have been put in before they stopped because I should insist, they having stopped without putting in any evidence whatever in reference to the financial affairs of the reformatory, they ought not now to be permitted to put in any, and as long as they don't assail it, it seems to me it stands admitted it is all right.

Mr. Rathbone.— Mr. Bowers was employed to make this investigation and report to this invesigating committee.

By Judge Gilbert:

Q. You are a professional accountant? A. Yes; I suppose so.

Q. Of a great many years experience in those things? A. Yes, sir.

Q. You were employed by the former chairman of this committee, the late Honorable Oscar Craig, to examine the finances of this institution? A, I was.

Q. You have completed such examination? A. Yes, sir.

Q. You have made your report? A. I have.

Q. Orally or in writing? A. Made it in writing.

Q. Where did you send that report when completed? A. Sent that to you in New York.

Q. That report, so far as you know, is in possession of the present chairman of the committee? A. Certainly

Q. Did you make more than one copy of the report? A. Yes, sir.

Q. Where is that other copy? A. I have it; I have two copies.

Q. You have one copy and I have the other ? A. Yes, sir.

Q. Was any copy made of those copies ? A. I said I had two copies.

Q. Have you those in your possession now ? A. Yes; I have two copies in my possession.

Q. Did you furnish a copy of your report to anybody excepting myself ? A. Yes, sir.

Q. To whom ? A. I left one here, that is, of the text, not of the exhibits, with strict injunction that they should not be used for any purpose whatever until you gentlemen are decided that it is proper to divulge or publish.

Q. If I had had the slightest idea you intended to exhibit your report to these gentlemen previous to filing it with the committee I should have instructed you most carefully not to do anything of the kind; it is a privileged matter; you were employed by us to make the report, and the report was a secret matter to the public

and to all parties concerned until filed with the committee ? A. That was the understanding, and, as I have said, strict injunction was imposed on Mr. Brockway; he is the one; it has not been showed to the other gentlemen at all; that should be retained by him without divulging it to any one.

Q. Who wrote the text of the report ? A. I did.

Q. Did you write every bit of it ? A. Yes, sir.

Q. Did you have any assistance from anyone in writing it; I do not mean by a stenographer or typewriter; did you have any assistance in preparing that text ? A. That is one of the quesitons that can't be answered directly one way or the other.

Q. Did you have any assistance in preparing any part of the text ? A. No; not in the sense in which you ask it; that report is my own, from beginning to end.

Q. No one wrote any part of it for you ? A. No, sir.

Q. No one gave you ideas to write out in it ? A. I suppose where a man is undertaking to get out certain facts in relation to the management of business he naturally makes all the inquiries he can; that I did, and always do, but I use the information I get only when I am satisfied that it is true and correct.

Q. Did the management of the reformatory or any person in particular ask you for that copy you left with them ? A. I don't remember whether they did or not.

Q. You did it voluntarily ? A. The fact is I had a typewriter in this office here.

Q. Your report was written right here ? A. The report was typewritten here.

Q. By an employe of the reformatory ? A. Yes, sir.

Q. Every word you wrote was known in advance to the reformatory, if they choose to look at it ? A. No; it was carefully kept in a way that wasn't accessible, excepting might be in sheets they might get hold of, but I took pains to preserve it myself so that nobody could get hold of that portion of it and make anything out of it, would be incomplete.

Q. I will state, inasmuch as the witness, Mr. Bowers, has very unwisely and very uncautiously furnished the reformatory management with a copy of his report in advance, of furnishing it to the committee who employed him to make the report, that I do not propose to go into that report in any way; the report is in my possession, not yet delivered to the board, the formal court, and I propose to allow no questions to be asked that will divulge in any way the character and nature of that report; when that report is properly delivered to the officers who had requested it, it will then become public property, and every one have access to it, and until then I shall rule out every question looking that way, or any

of the facts, figures or methods here that led the accountant to make the report that he did.

Judge Gilbert.—I insist this inquiry shall not be changed into an investigation of the committee or into the investigation of the conduct of anyone employed by the committee, and I would suggest that this report whether it is for or against the reformatory, whatever it may contain, whatever may be its importance shows for itself and that so far as this whole matter is concerned the inquiries to be made of the accountant and the remarks, etc., relating to it, and this whole matter ought to be expunged from the record and form no part of it, rather an incident that has arisen in connection with the investigation that has no important bearing upon it because, as I have stated before, the prosecution whether they have made a mistake or not they have closed this whole inquiry so far as this question of finance is concerned; they haven't introduced one single wisp of evidence in reference to it; this defense is not called upon to introduce a single word of evidence in support of the manner in which they have managed the financial affairs; we ought not to open up in any way this as a part of this inquiry.

Mr. Litchfield.—I agree with you.

Judge Gilbert.—I wish to state further those who have managed the financial affairs of this reformatory are public officers acting in an official capacity and the presumption is that so far as the financial affairs are concerned they have been legally, honestly and properly administered and with that presumption existing in their favor, I can't see where there is any necessity for introducing any proof whatever.

Mr. Stanchfield.—We would rather this would stay upon the record; I assume the stenographer's minutes will be furnished to the Legislature; Mr. Litchfield has seen fit to put certain remarks upon the record that we should prefer to be left there. He has used certain other expressions we want there. This battle does not end here; perhaps when he takes the floor to defend this report something will be said about it. We want it there.

Mr. Litchfield.—Do you wish my remarks entered on the record made at the session or outside of the session, at the hotel or on the train?

Mr. Stanchfield.—Simply what you have stated here as a member of this committee; that is all; we understand one another; you have made certain remarks as a committeeman, what you say outside I don't want on the record.

Mr. Litchfield.—Are my remarks made as such on the record?

Mr. Stanchfield.—I say we desire them left there; there can't be any misunderstanding.

Judge Gilbert.— I ask to have the position of the general legal adviser ignored.

Mr. Litchfield.— We will not have further discussion on this subject; I understand as chairman I have the right the same as a judge on the bench to end discussion when we see fit, and I decline to investigate the financial condition of the institution. There are no charges made against it; no evidence brought before me they are wrong; we suppose they are right and so assume.

Mr. Stanchfield.— Assume for the sake of discussion they should be wrong and the report should show they were erroneous and hadn't been properly kept, we ought to have the right to show it was a mistake.

Mr. Litchfield.— Who has assumed at this session that the finances of this institution were wrong?

Mr. Stanchfield.—At the commencement of it an accountant was employed to investigate into the condition of the affairs of the financial management, domestic economy of the reformatory. The assumption by the board of managers very naturally would be that somebody had claimed there had been error in the way they were kept, otherwise an investigation would not be ordered.

Mr. Litchfield.— It is a very usual thing to order such examinations and all public institutions would be all the better if they had them once a year. We order them in our private affairs without any idea anything is wrong. It is done with most of the clubs with which I am connected. They employ outside experts to examine the accounts annually; there is no charge made against the institution by merely going over the accounts.

Mr. Stanchfield.— If the accounts of the treasurer of the Hamilton club were examined into and charges made against him, I assume an adverse report wouldn't be alleged against him until he had an opportunity to answer.

Mr. Litchfield.— The report of the accountant, when handed to our committee, will then be open for examination and you may then or you may not wish to assail it.

Mr. Stanchfield.— It would be too late for us to take action.

Mr. Litchfield.— The report is not yet before the board. It is in my custody to be transferred to them, and when it is so transferred it will be the subject of investigation and not before. I am anxious to get it before my board so they may transfer it to the Comptroller.

Mr. Babcock.— It will not be part of your report.?

Mr. Litchfield.— It will be appended to the report as one of the papers. I will state probably the accountant has rendered his report which is annexed. I may say something about the nature

of the report. I haven't thoroughly read it yet. I have glanced it over, and I will call the attention of the State Board of Charities to the report and to the contents in due time.

Samuel D. Sample, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Where do you reside? A. City of Elmira.

Q What is your age? A. Thirty-five my next birthday.

Q. How long have you resided in Elmira? A. For the last twenty-three years.

Q. Where did you reside before that? A. In the town of Horseheads.

Q. What is your occupation? A. Prison keeper.

Q. Are you a prison keeper now? A. Yes, sir.

Q. Connected with the Elmira reformatory? A. Yes, sir.

Q. How long a time have you been connected with the reformatary? A. Six years.

Q. What was your occupation before that? A. I was on the police force in the city of Elmira; before that I was employed in the auger foundry in the city.

Q. How long a time were you on the police force? A. About a year and three months.

Q. You never were an inmate of the reformatory? A. No, sir.

Q. You acted in the capacity of a citizen officer? A. Yes, sir.

Q. What is your height and heft? A. Five feet eleven and about a half.

Q. Lack about half an inch of six feet? A. Yes.

Q. What is your heft? A. I weighed two weeks ago 203.

Q. During the six years that you have been connected with the reformatory that has been about your heft, usual weight? A. Yes, sir.

Q. What was the character of your official duties, the nature of your duties since you have been connected with the reformatory? A. When I first came here I was a guard on the wall; from that I went into the shop as a keeper, hollow-ware shop; from there I went to the center gate as center gate keeper; from there I was promoted to hall keeper; from there to store keeper.

Q. Did you receive any other promotion? A. I am at present second officer; some would term it acting principal keeper.

Q. What is—your duties are similar to those of the principal keeper and you act in that capacity in his absence?

Q. The duties of the principal keeper are under the direction of the general superintendent, he has the responsibility of the safe custody and proper discipline of the inmates and the control and

direction of the subordinate officers, and in the absence of the principal keeper, as I understand it, you as his assistant, are to perform, as you understand it, those duties under the direction, of course, of the superintendent? A. Yes, sir.

Q. For how long a time did you say you have been acting in the capacity of assistant superintendent? A. Not as assistant superintendent.

Q. I mean assistant principal keeper? A. Between nine and ten months.

Q. Before that were you required to be present when inmates were punished in the bath-room? A. Yes, sir.

Q. For how long a time was it made a part of your official duty to attend upon those occasions? A. Nearly three years.

Q. Commencing at what time and terminating at what time? A. About the 10th of January, 1891.

Q. Continuing down to the present time? A. Yes, sir.

Q. Or down to the first of September last? A. Yes, sir.

Q. I am requested to ask upon how many different occasions have you been present when inmates were punished by the use of the strap in the bath-room, as near as you can state? A. I would say between 600 and 800; I couldn't put it at a very exact figure.

Q. Do you remember an inmate by the name of Ana Cook, consecutive number 1832? A. Yes, sir.

Q. Was he ever punished in the bath-room in your presence? A. Yes, sir.

Q. When Mr. Winnie and Halpin were present? A. Yes, sir.

Q. Was he ever punished there more than once when you were present? A. Only once when I was present.

Q. Did he resist? A. No, sir; he did not.

Q. You had no occasion to use force in order to compel him to receive the punishment? A. None whatever.

Q. Upon that occasion did Halpin kick him? A. No, sir.

Q. Did Winnie upon that occasion kick this man in his stomach? A. He did not.

Q. Was he thrown down upon the floor? A. No, sir.

Q. Or was he upon the floor at all? A. Not at all.

Q. While upon the floor was he kicked? A. He wasn't on the floor.

Q. Was he kicked at all by anyone while he was in the bath-room? A. No, sir.

Q. Was he strung up? A. No, sir.

Q. Do you know what he was taken to the bath-room to be punished for? A. At one time; yes, sir.

Q. What was it? A. For writing a licentious note.

Q. Do you say he was taken to the bath-room more than once ? A. I don't know.

Q. Upon the occasion when you were there he was taken to the bath-room to be punished because of writing a licentious note ? A. Yes, sir.

Q. Did the superintendent talk to this man, Cook, at the time ? A. Yes, sir.

Q. What did he say to him ? A. Cook was a first-grade man, worked in the foundry; he was here for a licentious crime; he had been here a number of years.

Q. What did the superintendent say to him upon that occasion ? A. He confronted him with a note; the man admitted it, and he says, "I only got a letter from your poor old mother last week begging for me to send you home; now, you rascal, your going to work and doing anything like that."

Q. Did he, upon that occasion, admit his guilt ? A. Yes, sir.

Q. Is your recollection so perfect that you can recollect precisely what occurred upon each of these 600 or 800 occasions when punishment was inflicted ? A. No, sir.

Q. Was there anything particular in reference to this man, Cook, that causes you clearly to recollect everything that was said and done upon that occasion ? A. Yes; in one sense of the word.

Q. What do you mean by "one sense of the word ?" A. The man had a long charge, he was here a long time, a man you would come in contact with every day; he was an old man who had been here four or five years; he had a charge that called for a number of years.

Q. Do you mean to say you had seen him there frequently and knew him as intimately as you could know an inmate by being an officer over him ? A. Yes, sir.

Q. Do you say this was the only time you had ever known this inmate to be taken to the bath-room ? A. Yes, sir.

Q. These matters to which I have referred are some of the circumstances or reasons why you recollect particularly what occurred ? A. Yes, sir.

Q. Has your attention been called recently to this man's record or to what occurred in the reformatory? A. No, sir.

Q. Haven't you talked with anyone in reference to this case ? A. No, sir.

Q. Hasn't your attention been called to it at all before you came upon the stand this morning ? A. No, sir.

Q. Did you know you were to be interrogated in reference to this case ? A. To be subpoenaed ?

Q. No; that you were to be questioned with reference to this occurrence, when Cook was punished? A. No, sir.

Q. Knew nothing about it? A. No, sir.

Q. Whatever you have stated in reference to it is from the distinct recollection that you have of the occurrence, without having your memory prompted or refreshed in any way by anything that has been stated or anything that occurred previous to your coming upon the stand? A. Yes, sir.

Q. Were you acquainted with an inmate named Leopold Roseman, 2756? A. Yes, sir.

Q. Were you ever present in the bath-room when he was punished? A. Yes, sir.

Q. More than once? A. I can remember twice.

Q. Do you know about how many times he was punished in the bath-room? A. I couldn't say.

Q. You only recollect twice that he was punished? A. That is all.

Q. You don't know that the record shows that he was punished in the bath-room eight different times? A. I don't know nothing about the record.

Q. Was he at any time when in the bath-room for the purpose of being punished struck by the superintendent over the head or across the forehead with the handle of the strap? A. No, sir.

Q. Causing a scar? A. No, sir; he was not.

Q. Did you ever at any time when this man Roseman was in the bath-room kick him in the head? A. No, sir.

Q. Did he ever at any time resist the officers? A. No, sir.

Q. Refuse to take the position he is required to take in order to receive his punishment? A. No, sir.

Q. Did you ever jump upon him with Halpin for the purpose of holding him down or subduing him? A. No, sir.

Q. You never done that with any inmate? A. I never jumped on a man in my life.

Q. Dd you at any time in your effort to subdue him or hold him down, did you dislocate a joint of one of his fingers? A. No, sir.

Q. Did you kick him in the ribs or anywhere else? A. No, sir.

Q. Or in the head? A. No, sir; the man was never down to my recollection on the floor; I know he wasn't.

Q. You state positively that upon no occasion did you kick him or strike him while he was upon the bath-room floor? A. I never did.

Q. Upon any occasion, was he strung up for the purpose of compelling him to receive punishment? A. No, sir.

Q. Never? A. Not while I was there.

Q. You don't pretend to state or know anything about what might have occurred upon other occasions? A. Oh, no.

Q. I am requested to ask why you recollect two occasions when this man was punished in the bath-room but you have no recollection in reference to the other six? A. It might have been before I came into the hall.

Q. I will read the dates of the punishments: April 17, 1889, O blows? A. That was before I came in the hall.

Q. April 20, 1889, L blows? A. That was before I came in the hall.

Q. May 9, 1889, L blows; was that before? A. Yes, sir.

Q. July 22, 1889, L blows? A. That was before my time.

Q. June 13, 1890, O blows? A. That was before my time.

Q. September 15, 1890, L blows? A. That was before my time.

Q. October 30, 1891, B blows? A. I was in the bath-room at that time.

Q. Do you remember the number of blows he received at that time? A. No, sir.

Q. About how many? A. I couldn't say.

Q. March 28, 1892, L — do you remember that? A. No, sir; from January '91, and from that time I have been in the bath-room, and I remember him twice being in the bath-room; I can't tell you the dates.

Q. You say upon these two occasions he was not thrown down or kicked by anyone? A. He was not.

Q. Were you required at any time or were you present at any time when an inmate was punished prior to the 30th day of October, 1891? A. Yes; I went in about January 9 or 10, 1891.

Q. I want to know while you were acting in any other official capacity than that which you were acting in after January 1, 1891, whether before that time you were present when inmates were punished in the bath-room? A. Before October; yes, sir; back as far as January, 1891.

Q. I say before January, 1891, were you ever at any time in the bath-room when an inmate was punished? A. No, sir.

Q. I didn't know but while you were acting in some other official capacity you might be required by the superintendent to go in there and assist or be present when an inmate was punished? A. When I came in the hall in January, 1891, I was storekeeper, I went in with the principal keeper and the superintendent when a man was punished.

Q. Before 1891? A. No, sir.

Q. You never did upon any occasion? A. No, sir.

Q. With reference to any inmate? A. No, sir.

Q. So that whatever you know about the punishments in the bath-room you learned after January 1, 1891? A. Yes, sir.

Q. Do you mean to say that you can now distinctly recollect every instance from January 1, 1891, down to September 1, 1893, every single instance when an inmate that was taken to the bath-room to be punished, resisted and was subdued, can you go on and refer to every single one of them and state all the particulars and everything that occurred in connection with each case? A. No, sir.

Q. Can you go on and state every single instance when Winnie or any other officer struck an inmate when he was in the bath-room? A. No, sir; I couldn't.

Q. Can you state every single instance in which Winnie or any other officer kicked an inmate when he was in the bath-room? A. What do you mean by kicking?

Q. You have been a policeman? A. To subdue a man?

Q. You have been a policeman, and you have been a prison officer, and I have never been, and you know better what the meaning of the word kick is. A. I never saw no officer in the bath-room kick a man.

Q. I am requested to ask if you have ever seen an officer, while trying to subdue an inmate, have physical contact by way of the foot with an inmate? A. No, sir.

Q. Either by bringing the foot against the inmate's shins or any other part of the body? A. No, sir.

Q. Have you read the evidence given in connection with this investigation, or as a part of it, published in the various newspapers? A. I have read the newspapers.

Q. In what way have you had your attention called to these various affairs or charges? A. Yes, sir; the charges.

Q. So far as it is alleged that you have been connected with them you have had your memory refreshed by those matters which you have read? A. No; I can't say that I have.

Q. You have had your attention called to those matters? A. I have had my attention called.

Q. Did you know an inmate named John Van Deusen, No. 3356? A. Yes, sir.

Q. Were you present at one time in the bath-room when Van Deusen was punished? A. Yes, sir.

Q. Do you remember whether he was strung up or not? A. No, sir; he was not.

Q. Were the handcuffs put upon him and cord attached and he pulled up so as to be compelled to stand in proper position? A. I don't remember that Van Deusen was ever handcuffed.

Q. Did you, upon that occasion, help string him up ? A. No, sir.

Q. Was he, upon that occasion, paddled with such severity that the blood ran down his legs ? A. That is not so.

Q. Upon any occasion when he was punished in the bath-room when you were present; do you remember whether he was punished more than once ? A. Yes, sir.

Q. How many times do you recollect that he was punished with the strap ? A. Probably three or four times.

Q. That you were present ? A. Yes, sir.

Q. Did you ever, upon any occasion, assist in subduing this man? A. No, sir.

Q. Or when force was used for the purpose of compelling him to take the position required at the window ? A. This man never resisted.

Q. Why do you remember that ? A. He never did; I could remember the man distinctly; he is here now, a little midget.

Q. He never resisted ? A. No, sir.

Q. This was a little fellow ? A. Yes, sir.

Q. He is a little fellow that you had to hold up from the floor so that Mr. Brockway could reach him ? A. No.

Q. He always stood up and took it ? A. Yes, sir.

Q. A lad about how high ? A. He might be about four foot.

Q. Will you say he was over three feet six inches ? A. Yes, sir.

Q. You only remember two or three occasions when you were present and he was punished? A. Yes.

Q. Do you remember how many blows he received? A. I don't remember.

Q. Do you mean to say when he was punished there was no abrasion of the skin upon the back? A. There was not.

Q. The blows were not of sufficient force to cause the blood to run at all? A. I observed no blood.

Q. Did you observe his buttocks after he received punishment? A. Yes, sir.

Q. What was the appearance A. A reddish, purple color.

Q. What we ordinarily call black and blue? A. Oh, no; it wasn't black; purple, sometimes red.

Q. The same appearance that a man would have where he had been struck by the fist of another over the eye, or something of that kind? A. Oh, no; I never seen a man hit over the eye with the fist; I have seen a person strck around here.

Q. I don't mean an inmate here, but anyone, if you should step up and strike me with sufficient force to give me a black eye what would you call it black and blue? A. Yes.

Q. These marks that you saw didn't they have that appearance? A. They had a purple color; no black and blue.

Q. Caused by the blow? A. The strap; yes, sir.

Q. That was the appearance right away after the punishment? A. Yes, sir.

Q. Did you see the back of this fellow a few hours after, upon any occasion? A. I just see his buttocks when he was there and put his pants up.

Q. Didn't see him afterwards? A. No, sir.

Q. Did you see the superintendent strike him over the head with a strap? A. No, sir.

Q. At no time? A. No, sir.

Q. As I understand you you never saw any one of the officers kick or strike this man upon any occasion or at any place in the reformatory except the superintendent strike him with a strap in punishing him? A. That is all.

Q. Do you know whether this Van Deusen upon either one of the occasions when you were present received as many as twelve blows with the strap? A. I couldn't say how many blows he was struck.

Q. Do you recollect upon any occasion that there was any occasion when he received L X blows; more than twelve? A. No, sir; I don't remember the number of blows.

Q. You think you are quite correct in your statements with reference to the other details of the transaction? A. What I have sworn to.

Q. If this record is correct, if this man was punished after January 1, 1891; twelve times do you know how it happens that you were only present twice? A. I couldn't say; the man might have been down there; I might have been out of town away on my vacation, away somewhere; I wasn't down there every time; I might be called to some other part of the place.

Q. You can't state why it was that you were only present during two of these occasions when those punishments were inflicted? A. I stated it was between three and four times.

Q. The first paddling, December 14, 1891, F blows; second, October 19, 1892, L X blows; October 29, 1892, F; January 6, 1893, D; January 14, 1893, L; February 18, 1893, L; March 14, 1893, C; March 30, 1893, D; March 24, 1893, C; June 12, 1893, C; June 22, 1893, L; June 28, 1893, F blows; it also appears by the record from which I have taken this data that the prisoner was in the house of refuge at Rochester for sixteen months.

By Mr. Litchfield:

Q. What was the character of this boy, was he heedless or naturally bad? A. Heedless and bad both; a fellow that caused a good deal of trouble; a licentious boy.

Q. A boy very difficult to reform under any circumstances? A. Yes, sir.

By Mr. Babcock:

Q. Do you know an inmate boy named John Witzman, consecutive number 3584? A. Yes, sir.

Q. Were you present at any time when he was treated in the bath-room? A. I was.

Q. Do you recall what he was punished for or treated for? A. Yes, sir.

Q. What was it? A. Tobacco deal.

Q. Do you recall the number of blows he received? A. I can not.

Q. Upon how many occasions do you recall that you were present if more than one, at the time when he was treated in the bath-room? A. He was only spanked once.

Q. Was he strung up on that occasion? A. Yes, sir.

Q. So that his feet were raised a foot from the floor as he testifies? A. No, sir.

Q. Were his feet raised from the floor at all? A. They were not.

Q. What was his position particularly when he speaks of having been strung up? A. The handcuffs were put on his wrists and the cord was hoisted up, his hands rested on the window-sill and he was standing on his feet.

Q. Feet on the floor? A. Yes, sir.

Q. Was that necesary because of his conduct, his resistance and disobedience? A. He wouldn't stand still; he caused a good deal of anoyance by jumping around.

Q. Was he struck across the face in any way that you recall? A. No, sir.

Q. Was the skin broken? A. No, sir.

By Mr. White:

Q. You said the inmate caused a good deal of annoyance; when he wouldn't stand up to the window what was your usual method of porcedure? A. Put the handcuffs on him.

Q. When you put the handcuffs on this man did he resist? A. No, sir.

Q. Hold out his hand? A. No; an officer was in there with me; he held the man and I always handled the cuffs.

Q. There was no scuffling? A. No, sir.

By Judge Gilbert:

Q. This man was put in a position where he could be strung up if necessary to hold him in the position required in order to punish him? A. Yes, sir.

Q. Do you mean to say that he never was raised off the floor for an instant? A. No, sir; he was not.

Q. Simply strung up enough to hold him in position? A. That is all.

Q. Do you know whether this man before he was punished had scars upon his face? A. I don't remember.

Q. How many times were you present when this man was punished? A. Only once.

By Mr. Litchfield:

Q. You consider when you get handcuffs on a man you can do with him as you please? A. Yes.

Q. When you raise him by a cord that is when he refuses to stand up? A. Yes, sir.

Q. The effect of handcuffs would be the same as nippers as used by a policeman? A. No; they are a regular pair of handcuffs.

Q. They don't subdue a man to the same extent nippers would subdue him? A. Oh, no.

Q. A very small man could handle a very big man with nippers on him? A. I should say he could; yes.

By Judge Gilbert:

Q. Do you remember an inmate named James Boyd, 3585? A. Yes, sir.

Q. Were you present when he was charged with having stolen dishes? A. Yes, sir.

Q. Did you hear what he said in reply to that charge? A. Yes, sir.

Q. Who was it that charged him with that crime? A. Mr. Winnie.

Q. What was Mr. Winnie at that time? A. Principal keeper.

Q. What position were you holding at the time? A. Hall keeper.

Q. What did Mr. Winnie say to him? A. Mr. Winnie called me upon the floor and told me to get Boyd.

Q. Simply state what Winnie said to Boyd and what reply Boyd made? A. I brought Boyd up in front of Mr. Winnie; he says: "Boyd, I charge you with stealing dishes and giving them to Hogan; are you guilty or not guilty?" says he, "I am guilty."

Q. What further was said? A. That was all.

Q. Nothing else was said? A. No, sir.

Q. What was then done with Boyd? A. He was put on the guard-room floor and Mr. Winnie notified the superintendent.

Q. Did Winnie state the number of dishes that he was accused of taking? A. Not in my presence.

Q. Did Boyd say anything by way of explanation or excuse? A. None whatever.

Q. That was all that was said between them and all that you ever heard Boyd say in reference to the subject? A. No; I could tell you a little more.

Q. What more did you hear? A. When Mr. Winnie told me to go and bring Boyd in I went out where he was employed and I says, "You are wanted on the floor;" he asked me who wanted to see him; I told him Mr. Winnie; he says, "Is Hogan on the floor;" I says, "I believe he is;" he says, "I knew the son of a bitch would get me in trouble;" that is what Boyd told me coming in.

Q. What further? A. That is all.

Q. To whom did he refer when he said he knew the son of a bitch would get him in trouble? A. Hogan; he asked me if Hogan was on the floor; I says, "I believe he is;" he says, "I knew the son of a bitch would get me in trouble."

Q. Was there anything said between you and Boyd at any other time in reference to the transaction? A. No, sir.

Q. Was there anything said by Winnie upon that occasion with reference to the dishes, or kind of dishes, or the number of dishes that Boyd had given? A. No, sir.

Q. Do you remember the day of the week? A. I can't remember it.

Q. Don't you remember it was on Friday? A. No, sir; I couldn't tell you.

Q. Wasn't it claimed there among them there that these dishes were loaned to Hogan for the purpose of being used at a christening that was to occur at Hogan's house? A. I never knew nothing about it, never heard anything like that.

Q. Did you learn in any way what kind of dishes these were? A. I remember what kind of dishes they were.

Q. What were they? A. A fancy set; teacups and saucers, milk pitchers.

Q. Do you remember how many of each there were? A. I couldn't remember exactly; I brought them in and put them in the store-room and kept them there a while and then returned them to the domestic building.

Q. From what place did you bring them? A. From the trade school, where Hogan had them secreted in his pocket.

Q. You found them in Hogan's pocket? A. I was told to go out there and bring them in by Mr. Winnie.

Q. How many pieces were there that you brought in? A. I couldn't tell you.

Q. Give us some idea ? A. Probably a half-dozen pieces, and there was a bed sheet, also.

Q. Describe the dishes ? A. They were a fancy set of dishes.

Q. You said there were only half a dozen dishes ? A. I couldn't describe them.

Q. Was there a milk pitcher ? A. Yes, sir; I think there was.

Q. Sugar bowl ? A. Yes, sir.

Q. Spoonholder ? A. I don't remember.

Q. Teapot ? A. No teapot.

Q. Any plates ? A. One small plate.

Q. Any cups and saucers? A. One cup and one saucer.

Q. Anything else ? A. I can't remember.

Q. You found them all in one pocket ? A. No; in two side pockets and the upper one.

By Mr. Litchfield:

Q. Who searched the pockets, you or Mr. Winnie ? A. I couldn't say how Mr. Winnie found out they were in there.

Q. Did you search his pockets? A. He told me to go out there and bring in the coat, Mr. Winnie told me to, and take the stuff down to the store-room.

Q. You personally found those things in the three pockets you have mentioned ? A. Yes, sir.

Q. Are you positive that the only language used by Boyd, when he was called before Winnie, was that "I am guilty ?" A. Mr. Winnie says, "Are you guilty or not?" he says, "I am."

Q. That is every word he said? A. Yes, sir; he says, "I am."

Q. Ain't you mistaken? A. I am not; no, sir.

Q Sure? A Sure.

Q. He didn't use any other single word? A. Not another word.

Q. I mean Boyd; didn't he use in connection with that, "I am guilty and I don't know why I done it?" A. No, sir; he did not.

Q. You are sure? A. Sure.

Q. Were you present when a conversation occurred between Hogan and Winnie? A. No, sir.

Q. You don't know what was said? A. No, sir.

Q. Did you ever have a talk yourself with Hogan on this subject? A. No, sir.

Q. They were both, as I understand it, paroled officers? A. Yes, sir.

Q. Performing officials duties here in the reformatory and having the privilege of living outside of the reformatory? A. Hogan had that privilege.

Q. Up to this time had been, so far as you know, good, faithful officers? A. Yes, sir.

Q. Complying with the rules of the institution? A. Yes, sir.

Q. Do you know an inmate by the name of Natty Hausman, 3637? A. Yes, sir.

Q. Was he ever punished in the bath-room when you were present? A. Yes, sir.

Q. Did he ever resist? A. No, sir.

Q. Didn't he at one time resist when you and Halpin were present? A. No, sir.

Q. Do you say that he never was struck, kicked by any of the officers while in the bath-room except with the strap? A. That is all.

Q. Never was thrown upon the floor? A. No, sir.

Q. Never received any blows while on the floor? A. He wasn't on the floor.

Q. Or kicked? A. No, sir.

Q. Do you remember whether anyone struck him over the head or across the face upon that occasion? A. He was not struck across the head.

Q. Was he badly bruised in any way at this time? A. He was only struck across the buttocks.

Q. Do you know how many blows he received? A. I couldn't tell.

Q. Did the superintendent, at any time, say to him that his mother was a bitch? A. No, sir.

Q. Or use any language of that character? A. No, sir.

Q. Did you ever, upon any occasion, hear the superintendent use that kind of language? A. Never.

Q. Or that expression to any inmate? A. No; no.

Q. Or use profane language to any inmate? A. Never heard him.

Q. Did the superintendent, at that time, strike him on any other part of his body except upon the buttocks? A. No, sir.

Q. Did he strike him across the abdomen? A. He did not.

Q. Did the superintendent say to him that his mother was a bad woman? A. He did not.

Q. Did the superintendent have any conversation with him at all while he was in the bath-room? A. Merely on the charge he was in there.

Q. Can you now give the language the superintendent used upon that occasion? A. No; I know he didn't call his mother a bitch; he never used that language.

Q. Is that the reason why you now say he didn't use the expression to this man because he wasn't in the habit of using

that language to any inmate? A. Not in the habit of using that language to no inmate.

Q. Do you know distinctly recollect just what was said by the superintendent to this inmate or just what was said by the inmate to Mr. Brockway? A. No.

Q. You don't remember? A. Not exactly every word; no sir.

Q. May not Mr. Brockway have said to him your mother is a bad woman? A. He never said that.

Q. Haven't you heard him claim that the inmate usually partook of the character of the parent? A. No, sir.

Q. Something of that kind? A. No, sir.

Q. Never heard him use any language to the effect that the mother or the father were bad? A. No, sir.

Q. How many times was this man punished in the bath-room when you were present? A. I could say twice.

Q. Upon neither occasion did he resist nor was he thrown upon the floor, kicked or cuffed? A. No.

Q. Do you remember the number of blows he received? A. I couldn't say.

Q. Have you any idea as to the number of blows he received, that is, a distinct recollection of the number of blows he received? A. I couldn't say.

Q. Can you saw whether he received nearer twelve blows than one blow? A. I should think — I couldn't say exactly; that is a hard question to put to a man.

Q. Isn't it true that it is very difficult for you to recollect all the facts and circumstances attending these various punishments? A. No; but when you commence to talk about remembering the number of blows a man got you can't do it; I can't do it, but if a man was struck as these people claim I can positively say he was not.

Mr. Babcock.— The record shows he was spanked but twice.

Judge Gilbert.— LL blows on the first occasion and L on the second.

Q. Do you remember an inmate, William Tenny, consecutive No. 3794? A. Yes, sir.

Q. Were you present in the bath-room when he was punished? A. I can't remember his being down to the bath-room.

Q. Did you ever upon any occasion strike him with your fist or in any other way for taking a ration that it was claimed did not belong to him? A. No, sir.

Q. Did you ever strike him at all? A. No, sir.

Q. In any way? A. No, sir.

Q. In any place? A. No, sir.

Q. Did you see Winnie strike him? A. No, sir.

Q. Do you know of Winnie striking him? A. No, sir.

Q. In the face or anywhere else? A. No, sir.

Q. Did you ever hear Winne use profane language to him? A. No, sir.

Q. Or the superintendent? A. No, sir; I never heard the superintendent use profane language.

Q. Never heard Winnie use profane language at all? A. Not to any inmate.

Q. Did you ever hear the superintendent use profane language in the presence of yourself and Winnie toward an inmate? A. No, sir.

Q. Do you remember a man named Michael Coyne, consecutive No. 4024? A. I do.

Q. Were you present at one time when he was spanked? A. I can't remember.

Q. Don't remember anything about it? A. No, sir.

Q. Do you remember what the condition of this man's eyes was? A. No; I couldn't say that I do; he was a little fellow; he had sort of a squint to his eye; I used to see him regularly every week.

Q. You don't know when or how the eye was injured, if it was injured at all? A. No, sir.

Q. Do you remember that he had sore eyes for quite a long time while he was in the reformatory? A. Not sore, but had sort of a squint.

Q. As though the sight was defective? A. I couldn't say what was the matter.

Q. Did you notice that peculiarity in both eyes or only one? A. In both eyes.

Q. Do you remember an inmate named Daniel Miller? A. I remember Miller.

Q. Were you present at one time when he was punished in the bath-room? A. Yes, sir.

Q. Who else was present there with you? A. I couldn't say.

Q. Was Halpin there? A. Halpin was here at the time.

Q. Were you three present with the superintendent, Winnie, Halpin and yourself? A. If they were in the institution; yes, sir; I remember this man because he worked for me in the hall.

Q. Isn't it true, as a general thing, the officers that were present when punishments were inflicted in the bath-room during this time that you refer to was Winnie and Halpin and the superintendent and yourself? A. That might have been.

Q. You would remember whether that was generally the truth, wouldn't you? A. Yes, sir.

Q. What do you say whether it was so or not? A. I don't recollect.

Q. I am not asking you in reference to this particular case, I am asking whether or no generally you four were present when punishments were inflicted; was that true or wasn't it? A. Yes; Halpin was in there at times when Winnie and I was present.

Q. I understand from the evidence of all the witnesses that no punishments were inflicted; was that true or wasn't it? A. Yes; Brockway, the superintendent? A. Mr. Brockway.

Q. You never knew Mr. Brockway to take off his coat in order to punish an inmate? A. Never.

Q. Did you see the superintendent strike this man across his face with the strap? A. No, sir.

Q. Or the handle? A. No, sir.

Q. Do you say he did not? A. I say he did not.

Q. You have a distinct recollection he did not? A. I know he did not.

Q. Do you recollect every instance when the superintendent did use the strap across the head or face of the inmate? A. I can't remember every instance, but I have seen the superintendent tap them with the strap on the side of the face and probably sometimes he would strike the nose, but I couldn't tell you every specific case.

Q. So that you don't claim to state every case when he did use the strap in that way or when he did not? A. No, sir.

Q. You are swearing now to a particular case, and do you mean to say that you now distinctly recollect, so far as the case of Miller is concerned, that the superintendent did not strike him over the head or across the face, or tap him over the head or across the face? A. I swear to that.

Q. Do you remember what department this man, Miller, worked in? A. He worked for me in the hall; he was one of the hallmen.

Q. Was he acting in that capacity at the time this punishment was inflicted that you refer to? A. Yes, sir.

Q. Did you see him immediately after punishment was given? A. Yes, sir.

Q. And the next day after? A. Oh, yes; I saw him fifteen minutes after, working.

Q. Did he, at any time, in your presence, or so far as you know, receive a blow upon the mouth or face which knocked out one of his teeth from anyone? A. No, sir.

Q. From Winnie or anyone else? A. No, sir.

Q. Was he ever, at any time, carried by yourself and Halpin from the bath-room to his cell? A. No, sir; never carried a man out.

Q. Did he ever, at any time, while receiving punishment in the bath-room, faint? A. No, sir.

Q. Fall to the floor? A. No, sir.

Q. And he was lifted up from the floor and carried to his room? A. No, sir

Q. Nothing of that kind ever occurred? A. No, sir.

Q. Do you say that never occurred in any case? A. The man never fainted and was carried out.

Q. Or that pretended to faint? A. No, sir.

Q. You never saw a case where he pretended to faint? A. No, sir.

Q. Or settled down upon the floor claiming he wasn't strong enough or couldn't stand up? A. I have seen a man sit down on the floor.

Q. Claiming he couldn't stand up? A. No; that he had enough.

Q. You thought he hadn't? A. Just one spat.

Q. He dropped to the floor and then the officer would hold him up? A. Just take and pick him up; when a man would get spanked sometimes they would sit down on the floor; I have taken them up and put them up on their feet, then they would put their hands up, but a man never fainted.

Q. You always done that as gently as you could? A. Yes, sir.

Q. If he settled down the second time would you be just as gentle as you were the first time? A. Yes, sir; I would take and put the man up again.

Q. You say you were never present but once when this man was punished? A. That is all

Q. Can you give the date? A. I can not

Q. Give the number of blows? A. No, sir.

Q. Did the keepers sometimes, one upon each side of the inmate, support him as he was taken from the bath-room to his cell? A. No, sir; I have taken a man by the arm; taken him out of the bath-room and locked him up.

Q. Do you mean to say there never was an occasion when the officers went upon each side of the inmate after he had been punished, would support him taking him from the bath-room to his cell? A. There was never such an occasion.

Q. I am requested to ask you why it is or how it is that you can't remember that Halpin and Winnie were present upon this occasion, but you do remember distinctly he wasn't struck over the head or across the face with the strap? A. I will tell you; Halpin was in the hall when I came from the center gate into the hall, and he used to go in with Mr. Winnie and the superintendent; and after I came in I used to go in and he used to stay out and bring the men down to the bath-room; and after Mr. Winnie left Mr. Halpin and myself used to go in.

Q. I am asking you in reference to this particular occasion, and I am requested to ask you why it is that you can't recollect whether Halpin and Winnie were in the bath-room with you at the time the punishment was inflicted but you can recollect distinctly that the superintendent did not strike this man over the head or across the face with the strap; explain how it is you recollect so perfectly one thing and you don't know anything about the other? A. I couldn't say whether Halpin was in there or not.

Q. Can you say whether Winnie was in there? A. Winnie was in there.

Q. That you recollect? A. Yes, sir; when I came in the hall Halpin stayed out and I went in with Mr. Winnie and the superintendent.

By Mr. Babcock:

Q. Usually there were but two officers in the room? A. Two officers.

Q. One officer took them from the cell to the bath-room and returned them from the bath-room to the cell? A. Yes, sir.

By Judge Gilbert:

Q. By the record it appears that this man was punished three times in January, '91, the first month that you served in the capacity when your official duties required you to be present at these punishments; is your recollection so distinct and perfect in reference to what occurred upon this one occasion and yet you can't recollect anything further in reference to the other two punishments that he received during that month? A. I don't remember his being in only once.

Q. Of course you can't say what occurred on these other occasions? A. No, sir.

Q. Did you ever have charge of the umbrella shop? A. No, sir.

Q. Or did you ever take this man from the umbrella shop to be punished? A. No, sir.

Q. Or know that he came from the umbrella shop to be punished? A. No, sir.

Recess.

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AFTERNOON SESSION.

Mr. Litchfield.—The chairman of the committee wishes to announce for the committee, inasmuch as when Dr. Smith returns he may find his affairs so involved it will be impossible to come

to Elmira, and it will be advisable for the counsel for the reformatory to put before us all the witnesses it will be impracticable to take to New York. We propose to sit until to-morrow afternoon or evening, and then adjourn, subject to the call of the chairman, the time and place to be announced hereafter.

Mr. Hoppe.— I will read from the record of Daniel Miller, 4031, that he was employed in the hall from September 2 to December 3, 1890, and again in the hall from January 5 until January 11, 1891, and from September 5, 1891, until June 9, 1892.

Samuel D. Sample, recalled:

Examination continued by Judge Gilbert:

Q. Do you remember an inmate named Robert Harrigan, consecutive number 4074 ? A. Yes, sir; I know him; he is here now.

Q. Were you ever present in the bath-room when he was punished ? A. I don't remember.

Q. Do you remember of ever being in the bath-room when this man was punished with Winnie and Halpin ? A. I don't remember; no, sir.

Q. When this man was kicked in the stomach by anyone and have you any recollection at all that this man was kicked either by you, or Winnie, or Sample, in the bath-room or anywhere else? A. He never was kicked, if I was in there, but I don't remember of being in there when the man was punished.

Q. Did you ever know of his being injured in any way or by anyone so that his head was bleeding ? A. No, sir.

Q. Do you remember of his being abused or punished so severely in the bath-room that he became unconscious ? A. No, sir; I don't remember of the man ever being in there.

By Mr. Babcock:

Q. Would you have recollected it if you had been there when he was punished ? A. I couldn't say.

Q. If he was made unconscious you would have remembered that circumstance ? A. I certainly would.

Q. Do you remember George C. Zelia, 4233 ? A. Yes, sir.

Q. Were you ever in the bath-room when he was punished ? A. Yes, sir.

Q. More than once ? A. I couldn't only recall once.

Q. Who was there with you at that time ? A. I believe Winnie.

Q. Anyone else ? A. I couldn't say.

Q. Was he at one time court-martialed for throwing water off the gallery, do you know anything about that ? A. No, sir.

Q. Were you ever in the bath-room with Halpin and the superintendent and this inmate ? A. I couldn't say.

Q. Do you recollect the particulars with reference to the punishment that this man, Zelia, received there, do you recollect anything about it? A. I remember his being in there; yes, sir; there was nothing unusual.

Q. Can you recollect anything that occurred there in connection with that punishment so you can now go on and relate it? A. No, sir.

Q. Only that he was punished? A. He was spanked; yes, sir.

Q. Upon his buttock? A. Yes, sir.

Q. Anywhere else but upon his buttocks? A. No, sir.

Q. Was he struck on the back so as to leave a scar? A. I never saw a man struck on the back.

Q. Do you know an inmate named Jacob Lipman, 4249? A. Yes, sir.

Q. Do you recollect being in the bath-room when he was punished? A. I was there.

Q. On more than one occasion? A. Yes, sir.

Q. Several times? A. I should say two or three times; I know he used to be a very troublesome little boy; he used to be in there and let go quite frequently.

Q. Upon these occasions when he was punished, do you recollect particularly what occurred? A. Nothing only he was struck on the buttocks with the strap.

Q. Do you say he was not struck over the head or across the face? A. I don't remember it.

Q. You don't remember he was struck over the head or across the face with the strap? A. No, sir.

Q. Will you say he was not? A. No; I will say I can't remember that.

Q. Who was present at the time when he received these punishments besides yourself and the superintendent? A. I believe Halpin.

Q. May not Winnie also have been present? A. Yes, sir; he might have been.

Q. Do you remember at any time that he was struck over the eye with the strap and the flesh cut? A. No, sir.

Q. And the blow causing a scar? A. No, sir; it didn't occur while I was there.

Q. Do you mean to say that he never was struck over the eye with the strap? A. Not in my presence.

Q. Do you mean to say now that you do recollect that he was not struck over the head or across the face with the strap? A. Not over the eye to make a scar.

Q. Or to cut the flesh? A. No, sir; it didn't cut the flesh; I never seen a scar made by the strap there.

Q. Did you ever see him struck over the eye with the strap? A. No, sir.

Q. Do you mean to say positively now that upon these occasions when you were present and saw him punished that he was not struck by the superintendent? A. Yes, sir.

Q. With the strap over the head or across his face, you say that now? A. Yes, sir.

Q. A little while ago I understood you to say you didn't recollect whether he was struck in that way or not? A. You asked me if he was struck over the eye and a scar made.

Q. I understood you to say a moment ago that you do not recollect whether Mr. Brockway struck this lad over the head or across the face with the strap or not; that is what you first stated? A. Yes.

Q. What you mean to say is that he did not strike him across the eye making an abrasion of the skin or creating a scar? A. Yes, sir.

Q. You say positively he did not do that? A. Yes, sir.

Q. As to the other question you don't recollect? A. No, sir.

Q. Do you recollect whether he was struck across the face or over the head with a strap with such force as to leave a black and blue bruise upon his face or around his eye? A. No, sir; I can't remember that.

Q. You don't say it may not have occurred? A. No, sir; I don't say but what it may have occurred.

Q. Did you mean by any answer that you have given intentionally to change the statement which you first made and as you now state you understood it? A. No, sir.

Q. Do you remember an inmate by the name of William Clark, 4290? A. Yes, sir.

Q. Were you present at any time when he was spanked? A. Yes, sir.

Q. How many different times? A. I would say five or six times.

Q. Did he ever resist? A. No, sir.

Q. Was it necessary upon any occasion to use force to compel him to stand up and take the punishment? A. No, sir.

Q. Was this inmate ever kicked in your presence by anyone? A. No, sir.

Q. Or knocked down? A. No, sir.

Q. Or kicked by yourself? A. No, sir.

Q. Anywhere? A. No, sir.

Q. Either in the bath-room or anywhere else? A. No, sir.

Q. Was he ever kicked by the superintendent in your presence? A. No, sir.

Q. Or by Winnie in your presence? A. No, sir.

Q. Do you know anything about this man Clark being chained in the solitary at any time? A. I can't remember whether he was ever down there or not.

Q. Do you mean to say he might have been there for a certain length of time and you not know it? A. Yes, sir.

Q. That could have occurred? A. Yes, sir.

Q. Could he have been in the solitary continuously for a period of eighteen days and you not know it? A. Yes, sir.

Q. He might have been chained there during that time and you not know it? A. Yes, sir.

Q. Was it a part of your duty to take inmates to the solitary and confine them there? A. Yes, sir.

Q. You did do that upon different occasions? A. On different occasions.

Q. You have no recollection of having taken this Clark there? A. No.

Q. Did you say you did not take Clark there upon any occasion? A. I can't remember of taking him.

Q. You will not state you did not take him there? A. No.

Q. When you confined prisoners in the solitaries how were they usually chained? A. There were two ways I ever chained a man down; there is a ring bolt in the bottom of the cell; I have handcuffed one wrist and put the other part of the handcuff in the ring bolt, then I have chained them to the sliding bar in the cell, a sliding ring.

Q. Did you ever at any time chain them both to the ring in the corner and the sliding ring? A. No, sir.

Q. Did you ever upon any occasion chain a man to the ring in the corner by both hands? A. Never.

Q. Putting the shackles upon one wrist and then passing it through the ring and fastening the other end of it to the other wrist? A. No, sir; never.

Q. Did you ever know of a prisoner being confined in that way? A. I never did.

Q. By both hands? A. No.

Q. Did you ever visit the inmates while chained in the solitary? A. Yes, sir.

Q. How often did you visit the inmates that you had put in there? A. I used to go down to feed them twice a day.

Q. They were usually fed twice a day? A. Yes, sir.

Q. What was the food that was usually given? A. Hash and bread for breakfast.

Q. Were they ever confined and limited to just bread and water? A. No, sir; never had an order to do that.

Q. You never were ordered to limit them to bread and water? A. No, sir.

Q. You say you never dealt out just that fare to them? A. No, sir.

Q. The fare you always gave them was hash and bread once a day? A. Yes, sir.

Q. And bread and water the second? A. For supper, bread and water and little molasses in the bottom of a ration pan.

Q. You always gave that? A. Yes, sir.

Q. Do you know of their being limited to just bread and water? A. I have heard of it.

Q. Do you know it? A. I don't know it; I have only heard.

Q. Do you know of inmates being chained to a ring in the corner by putting the shackles around one foot? A. No, sir.

Q. Or chained by both feet to a ring in the corner? A. No, sir.

Q. Always chained by the hand? A. By the right wrist.

By Mr. Litchfield:

Q. Which did you usually fasten them to? A. To the sliding ring.

Q. When do you make the distinction; why do you chain them sometimes to one and sometimes to the other? A. We would generally by the order.

Q. According to the order you received? A. Yes, sir.

Q. Was it ever left to the discretion of the officer whether he should be fastened to the ring in the floor or to the sliding ring? A. The head hall keeper would tell me to put him on the sliding door.

Q. I suppose sometimes he was not instructed; it was left to the officer? A. Yes, sir; I dare say.

Q. In your own experience did that not occur rather frequently; it was left to you to decide which ring to fasten him to? A. It might occur; the hall keepers would be away and another officer in the institution would be put into his place.

Q. The officer who took the prisoner there would have no instruction in that case; it would be left to him to decide which one to do; was it left to the discretion of the officer in such case whether he ought to be fastened down at all or simply turned loose in the cell? A. When you put a man down there you generally fasten him.

Q. So that a man that went there he had to be fastened down; was that fastening done as a punishment or done to prevent a man from getting away, in your judgment; let me put in a different way; do you know why the custom grew of fastening a man down; what the object was? A. I have seen men put down there that have attempted to escape; put down there until their case was investigated.

Q. Were they tolerably safe in that boiler iron cell without being fastened down? A. I couldn't say he was in that part of the institution; there is no night watchman.

Q. You have no night watchman in there? A. No, sir; we have now, at the present time.

Q. If anything happened to these men in those cells there was no one to come and release them? A. No, sir; the night watchman was instructed to go around through there every hour.

Q. Did he have any power to open a cell and let a man out in case of necessity; if he was fastened down could he get to his bucket? A. Oh, yes.

Q. The bucket was within reach? A. Yes, sir.

By Judge Gilbert:

Q. By whose orders were the men that you placed in the solitaries; taken there? A. By the superintendent and principal keeper, Mr. Winnie.

Q. So far as you know did you ever confine an inmate in a solitary except by the order of either the superintendent or the principal keeper? A. Yes; Colonel Bryan.

Q. By his orders? A. Yes, sir.

Q. Did you ever confine a man in the solitary without having an order from some officer? A. No, sir.

Q. Did that officer always direct the method or the manner in which he should be confined? A. Yes, sir.

Q. Who gave directions to you with reference to the food he should have while he was confined? A. The head hall keeper or the principal keeper.

Q. How long is the longest time that you have ever known an inmate to be chained to the ring in the corner continuously? A. Between six and seven days.

Q. That is the longest? A. Yes, sir.

Q. How long is the longest time that you have ever known an inmate to be chained to the ring in the corner continuously? A. Between two and three days.

Q. That is the longest? A. Yes, sir.

Q. Or to the sliding ring upon the bar? A. Yes, sir.

By Mr. Litchfield:

Q. Do you mean after two or three days you didn't fasten the men any more to the ring? A. Sometimes we put them in the reception-room and didn't chain them down.

Q. As I understood you when you put them in the solitaries it was customary to chain them down; that was part of the habit and custom of the place; if a man was kept in those solitaries six or seven days was he not usually kept fastened during the greater part of the six or seven days? A. I don't remember a man being in the solitary.

Q. In the seclusion cells, the three-corner cells was it the custom to keep a man fastened for six or seven days if he was kept there that length of time? A. If he should stay in there that length of time, but I have removed them from the seclusion cells into the reception cells.

By Judge Gilbert:

Q. What was the object of removing them from the seclusion cells to the others? A. Merely to make room for some one else.

Q. When the seclusion cells were crowded? A. Yes, sir.

Q. There were eight of those? A. Yes, sir.

Q. There were time when all of those cells would be full? A. No; hardly ever leave two men in there together; we would generally never have over two or three men down there at a time; we would never make it a practice of having two men in the seclusion together.

Q. Do you mean by the seclusion these three-corner cells? A. Yes, sir.

Q. Do you mean to say in the eight cells you never had more than two or three inmates there at a time? A. Yes, sir.

Q. Do you know anything about those blinds to the windows being closed? A. I know all about the blinds.

Q. There are times when they are closed? A. Not in my recollection.

Q. Did you never know them to be closed? A. Not perfectly tight.

Q. What do you mean by perfectly tight? A. They would be from six to eight inches open; they swing from the side.

Q. You never knew them to be entirely closed? A. No, sir.

Q. But what there would be a few inches space between the jamb and the edge of the blind? A. From six to eight inches.

By Mr. Litchfield:

Q. You have been there a good many years and you are an observing man, that is very evident; do you not think that it is

unwise to put in two or more prisoners into one cell and keep them there, in that it would tend to encourage licentiousness ? A. Yes; I don't believe in doubling up.

Q. You think it would be wiser and for the greater good of the reformatory if the men could be kept in single cells, never allowed to double up ? A. Yes, sir.

By Judge Gilbert:

Q. I am requested to ask you again why it was that you changed the men from the solitaries to the other cells, the reception cell; you stated you only done that when the solitaries were crowded ? A. No; we have a man down in seclusion; we have disposed of his case, partly; we have another case come up; he would be ordered down in seclusion, probably this same man would be in the same deal with this first man; to separate them we would take the first man out and put him in the reception cell.

Q. What you mean by the expression crowded; you do not mean that each of the eight cells was occupied ? A. No.

Q. But you mean by the term crowded that when you had a man in one of the solitaries you didn't deem it safe or proper to put another man down there who had, perhaps, been accused of the same offense ? A. That is right.

Q. In that case you would take one of those men and put him in another class of cells ? A. Yes.

Q. So they couldn't communicate with each other ? A. Yes, sir.

Q. Do you mean to say there never has been, during your connection with that part of the reformatory, there never has been an occasion when each one of those eight cells was occupied by an inmate ? A. Do you mean to say I never saw all the cells occupied ?

Q. At the same time ? A. Not until this investigation started.

Q. Before that you never saw eight inmates confined in those eight cells at the same time ? A. Yes; when we had a transfer we would put two men into a cell; they would be chained together; we would be ready to transfer them the next morning.

Q. With the exception of the occasions when you are preparing to transfer prisoners, do you mean to say there never was any occasion or an instance when each one of those eight solitary cells was occupied by an inmate that was confined in each one? A. I never remember when they were all full; not over three men down there.

Q. Will you say, positively, there never was an occasion of that kind ? A. I can say positively there never was no occasion.

By Mr. Litchfield:

Q. One of the present methods of discipline is to take the men to the seclusion cells and during the working hours to fasten them by handcuffs to the bar in a standing position? A. Yes, sir.

Q. How long has that practice existed; you have been doing so for some time back at times, have you not? A. Since we quit spanking.

Q. Not before the spanking ceased? A. No, sir.

Q. What is your judgment of the method as compared with the spanking?

Judge Gilbert.— It seems to me by putting a question of that kind and receiving an answer you are substantially opening this whole field in reference to matter of opinions that may start you in a line of inquiry that may never have any ending. I merely suggest that.

Mr. Litchfield.— Perhaps that is so. I have private information, and I think it has been testified here — however we will quit that field.

By Judge Gilbert:

Q. Was your attention called to this particular case and to the facts relating to his man Clark, prior to this examination? A. No, sir.

Q. Weren't you interviewed by any one in relation to it? A. No, sir.

Q. Didn't you state to the party that interviewed you that these things didn't occur? A. No one interviewed me.

Q. You don't know how it came to appear upon the minutes of the reformatory?

Mr. Babcock.— Those are not the minutes of the reformatory. These are mere memorandum of counsel.

Q. You state positively your attention was not in any way called to the circumstances relating to the punishments which this man Clark received? A. Yes, sir.

Q. Either in the bath-room or anywhere else? A. No, sir.

Q. Your attention was not called to it prior to this investigation? A. No sir.

Q And you have stated the facts relating to this matter just as you recollect them now upon the stand? A. Yes, sir.

Q. Did you ever know a man by the name of Samuel Gross, 4346? A. Yes, sir.

Q. Were you present at any time when he was punished in the bath-room? A. Yes, sir.

Q. Upon how many different occasions? A. Twice.

Q. Do you remember about how many blows he received upon each one of these occasions? A. No, sir; I don't know.

Q. Did he resist in any way? A. No, sir.

Q. Do remember about his weight and size? A. I remember the man well; he might have been 120 or 125; he was quite tall.

Q. Was he struck by the superintendent except with the strap in your presence? A. No, sir.

Q. Was he at any time struck over the head or across his face by the superintendent? A. I can't remember.

Q. You do not say he was not? A. I won't say that he was not.

Q. Was he ever kicked by Winnie in your presence? A. No, sir.

Q. Kicked six or seven feet across the hall? A. No, sir.

Q. Nothing of that kind occurred? A. No, sir.

Q. Upon an occasion when you were present and saw him punished, do you remember who else was present? A. I believe Halpin.

Q. And McLaughlin? A. I don't remember whether McLaughlin was there or not.

Q. Or Winnie? A. I couldn't say whether Winnie was there.

Q. Do you know what he was punished for at that time? A. I don't remember; no, sir.

Q. Do you remember one time that he was punished; spanked; for writing a note and signing Mr. Brockway's name to it? A. No, sir.

Q. Did the superintendent, at any time, in your presence, strike this man between his eyes with his fist? A. No, sir.

Q. Or upon his nose? A. No, sir.

Q. Did he strike him in the face with anything between the eyes? A. No, sir; not that I can recollect.

Q. Did you see him strike him between the eyes or upon his nose I say, with his fist? A. No, sir; I did not; I understood you to say with his fist or anything.

Q. You say he did not? A. He did not with his fist.

Q. You still say as you did before, so far as the strap is concerned, you don't remember? A. I don't remember whether he did or not.

Q. Did the superintendent, in your presence, kick this man in his testicles or in the right side? A. No, sir.

Q. Because he turned around while he was being punished? A. I can say right here the superintendent never kicked a man in my presence.

Q. Did he, at any time while you were present and this fellow was being punished become unconscious? A. No, sir; I never saw a man unconscious in there.

Q. Do you know of a man being punished that had a rupture and wore a truss? A. Gross wore a truss.

Q. While he was being punished? A. Yes, sir.

Q. Do you know whether he was treated by Dr. Wey for that purpose ? A. I couldn't say.

By Dr. Litchfield:

Q. Dr. Wey ever present at any of these punishments? A. No, sir; not when I was there.

Q. Anyone else except the officers of the institution and Mr. Brockway? A. The store keeper; I was store keeper at the time.

Q. You were not the first or second officer at the time? A. No, sir; I was storekeeper.

Q. You were present in that capacity? A. Yes, sir; Halpin was second officer at the time.

By Judge Gilbert:

Q. You never saw anyone present at the punishment except such officers and Mr. Brockway? A. The store keeper and the hall keeper; probably the head hall keeper would be away and Mr. McLaughlin would act in his place.

Q. Was Mr. McLaughlin ,at that time, the hall keeper? A. Either doing transfer work out on the road or was in the kitchen.

Q. You never saw the physician or any other officer present except those you have mentioned? A. No, sir; Mr. McLaughlin, Halpin, Mr. Winnie, Mr. Lazenby and Mr. Murphy and Mr. Bigley, he would come in the hall; he is a yard keeper; he would come in sometimes and do two or three days' duty when some of the officers would be sick; he has been down there occasionally but the physician was never there; also Colonel Bryan.

Q. That was an officer connected with the military? A. Yes, sir.

Q. It is the custom now to have the officer of the military to be present at times on those occasions? A. It has not been the custom.

Q. He was there exceptionally? A. Yes, sir.

Q. How many times did I understand you to say you were present when this man was paddled? A. Twice.

Q. Upon which one of these occasions was it you saw him wearing a truss? A. Both occasions.

Q. Do you know whether this man had been paddled before it became your duty to attend when this punishment was given? A. No, sir; I couldn't say whether he was or not.

By Mr. Litchfield:

Q. I think you have testified you were present when this man with the truss was paddled? A. Yes, sir.

Q. Was he examined by the physician before he was paddled to see whether or not he was a fit subject for paddling? A. No, sir; not on that day.

By Judge Gilbert:

Q. Do you know how many blows that man received on either one of these occasions? A. No, sir; I couldn't say.

By Mr. Litchfield:

Q. You didn't make it a rule to keep count of the number of blows? A. No, sir.

Q. The superintendent did that? A. Yes, sir; he would keep track of the number of blows and keep a memorandum on the report.

Q. If a man made himself nasty in there and emptied his bowels or bladder on the floor, what was the habit, to go on and paddle the next man on the top of that? A. Clean it up instantly.

Q. Why did those men do that, to the best of your opinion; was it through fear, pain, or through a desire to make themselves nasty and disagreeable? A. I couldn't say; I have seen men do that before they were ever struck a blow.

Q. That would be through fear? A. I couldn't say.

Q. Do you recollect any instance where a man became unconscious or feigned unconsciousness while he was being punished? A. No, sir.

Q. That where a man was, as you believe, feigning it, you strung him up or lifted him up? A. A man never feigned it or was unconscious while I was in there.

Q. When I ask you with reference to your having seen, or whether Winnie, or Halpin, or the superintendent, has ever struck or kicked any of these inmates, I of course refer to those occasions when you were present? A. Yes, sir.

Q. Your statements have been given accordingly? A. Yes, sir.

Q. I am requested to ask if you ever, upon any occasion, struck a man? A. No, sir.

Q. For any cause? A. No, sir.

Q. In any place? A. Yes; down in the bath-room I have helped subdue men that resisted.

Q. Did you ever kick men in the bath-room? A. I never kicked a man.

Q. Or see a man kicked in the bath-room? A. No, sir.

By Mr. Litchfield:

Q. Did you use your foot in any way in subduing them or throwing them? A. Yes; when the superintendent tells a man to take his coat off, and the man will turn around and will put up a fight, and you want to get the man down on the floor as soon as you can and subdue him, to get the cuffs on him, I have taken a man by the collar and given him the foot and tripped him up; you can do it very easy on the tile floor, throw the man on his back, and in the tussle, and he would be striking and kicking, I gave him a punch.

By Judge Gilbert:

Q. How many times has that occurred? A. I dare say twenty times.

Q. The others would do the same? A. Yes, sir.

Q. Were those punishments sometimes so severe that the inmate would bleed, either from the nose or from the abrasions of the skin that were made? A. No, sir.

Q. Never saw any blood running either from the nose or from wounds made? A. Yes, sir.

Q. Upon different occasions? A. Yes, sir.

Q. Upon how many different occasions in all will you say you have seen the blood flow of an inmate? A. I couldn't say exactly.

Q. Give an estimate? A. Fifteen different times in my time down there.

Q. During the three years? A. Yes, sir.

Q. Caused sometimes by the blows you struck and sometimes by the blows the others struck? A. I have seen it from the strap; never from my own blows.

Q. From the blows the others gave? A. No, sir; only Mr. Brockway.

Q. Never saw it flow except by the blows given by Mr. Brockway? A. Yes, sir.

Q. Those were blows given by the strap? A. Yes, sir.

By Mr. Litchfield:

Q. Were those given directly or did the end of the strap come over the head and strike them? A. When the strap came over and would strike them on the nose it would not be a direct blow.

Q. It would occur when a man turned his face toward the strapper and got strapped in that way? A. Yes, sir.

Q. It has also happened in that way? A. When he would get the first spat he would turn his head in the opposite direction from

where he was supposed to; and I have seen the superintendent take hold of the strap in the center with his left hand, and take hold of the other part and spat a man in the face with the end of the strap; it wouldnot be a full direct blow.

Q. When he was told to keep his face turned, was he told to keep his face toward the window or some other direction? A. If it was Mr. Winnie he would be the head officer in the bath-room, he was supposed to keep his head toward Mr. Winnie.

Q. Which side of the man did Mr. Winnie stand? A. On the right hand side.

Q. So his face was turned sideways to the window? A. Yes, sir.

Q. The convict would be looking to his right? A. Yes, sir.

Q. Directly away from Mr. Brockway? A. Yes, sir.

Q. Mr. Brockway would stand on the convict's left? A. Yes, sir.

Q. If the prisoner did not keep his face turned toward Mr. Winnie on the convict's right, and turn around backwards toward Mr. Brockway, and so get the blow of the paddle? A. Not backwards, front ways.

By Judge Gilbert:

Q. You said upon fifteen different occasions you saw blood? A. Yes, sir.

Q. Was that in every instance from the inmate's nose? A. Yes, sir.

Q. Never saw blood flow from any other part of the body? A. No, sir.

Q. Were you present upon one occasion when the handle of the paddle was upon the head of the inmate? A. Yes, sir.

Q. By Mr. Brockway? A. Yes, sir.

Q. Do you remember the inmate's name? A. No, sir; I couldn't say.

Q. Was there an abrasion of the skin made by the blow, the skin cut? A. No, sir.

Q. To such an extent that they had to use plaster or something? A. No, sir; I never see no blood come from the handle of the paddle.

Q. Ever seen an inmate struck over the head or across the face with the handle of the paddle more than once? A. Yes, sir.

Q. About how many times in all have you seen them? A. Half a dozen times; six times.

Q. Did you make a memorandum of the times? A. I say about six times.

Q. Will you say it was not more than six times? A. It might be more.

Q. Do you say that you never saw blood flow from the buttocks or the back? A. I never did.

Q. Caused by the blows which had been given or inflicted? A. No sir; I never did.

Q. What was the greatest injury you noticed or observed caused by the strap across the buttock or back? A. Nothing only a purple spot.

Q. That was the most that you ever saw? A. Yes, sir.

Q. Did you notice how far up the back those purple marks extended? A. They wasn't on the back.

Q. You insist they were always upon the buttocks? A. Yes, sir.

Q. Did you upon one occasion experiment with this man Winnie with reference to the effect which blows would have upon a man given by the strap? A. Yes, sir.

Q. When did that occur? A. This was when Mr. Winnie was connected with the institution; he was principal keeper and I was storekeeper.

Q. About how long was that? A. About two years ago, I should judge; it might have been a month or two months before he left.

Q. Why were you trying that experiment? A. Mr. Winnie and I were in the room talking one evening, and he says: "I would like to know how that felt; I have been here a long while and I have seen a good deal of it, and I will tell you what I will do; you come up some time and I will let you spank me if you will let me spank you;" I says, "It is a bargain;" he says, "All right;" I says, "Yes;" he says, "Day after to-morrow you come up;" I always used to have charge of the strap down in the store-room; the next day after I had my work done I went in and got up against the wall and practiced.

Q. So as to get the movement? A. To get the hang of it.

Q. And to give strength to your arm? A. To get the kind of swing of the strap.

Q. Do you mean by that so you could get the swing, get the motion accurately that you could give a full blow of the strap? A. That is what I intended to do; he came up; I saw him out in the hall; he says, "I will be up in an hour or so, and will have everything all right;" I soaked the strap in order to make it limp; he came up.

Q. Which strap was it you had? A. I had the old strap.

Q. The one with the broken handle? A. Yes, sir.

Q. Was the handle broken at that time? A. Yes, sir; he says, "I want to spank you first," I says, "All right;" I took off my coat and vest, and took down my pants, and rolled up my shirt and stood up by the bed; put my hand up and turned my head the other way, and he give it to me; he struck me five or six times.

Q. What was the sensation? A. The first one I didn't feel it at all; merely numbed it; the second after that there was a burning sensation, as if there were about a thousand needles going right into the flesh, and the next one seemed to be about 10,000, and I took my five or six blows, and I buttoned up my pants; I had enough and says, "Square yourself," and I took down his pants and stood him up and I spanked him.

Q. Describe how you laid it on? A. He stood up; I says, "Keep your head the other way," and I pulled right back and struck him for all I was worth; I struck him just as hard as I could.

Q. How many blows did you give him? A. I give him six; he wanted to back out; I says, "Oh, no;" I give him four and he wanted to quit.

Q. Did he turn his head? A. He kept his head right to the opposite direction.

Q. Did he beg for mercy? A. No; he grinned and bore it.

Q. He said he wanted to get out when you had given him four blows? A. He says, "That is enough."

By Mr. Litchfield:

Q. Did you observe the color of his buttock shortly after the operation? A. Right after the last blow.

Q. How soon did it begin to discolor? A. It was very red when I got through; then he pulled up his pants.

Q. You gave him a good, strong blow? A. I struck him just as hard as I could.

Q. You said the first blow numbed you so you didn't feel it? A. Yes, sir.

Q. The second began to hurt and the third still more; how with the last three; did it keep hurting more? A. Yes, sir.

By Judge Gilbert:

Q. Suppose, for instance, the blows had been given by the move of a heavier paddle; what do you think the effect would have been? A. Just about the same.

Q. Would have been more severe than anything? A. I don't know.

Q. There was a longer handle and longer purchase or swing to the new one? A. Yes, sir.

Q. And the strap is quite a little longer? A. Yes, sir.

Q. And quite a good deal heavier? A. That would make a good deal of difference; yes, sir.

Q. Make a good deal of difference in the force of the blow? A. Yes, sir.

Q. From your experience as an expert what do you think the effect would be if the punishment had been continued up to, say, L X L blows with a heavier paddle? A. I couldn't say; Judge, I am not an expert on that.

Q. Judging from your experience that you had with the six blows, what is your idea of opinion with reference to the pain which would be suffered by a man receiving L X L blows from the new or heavier paddle; do you know the blows were hit with the same force? A. I don't think Mr. Brockway ever hit a man as hard as I hit Mr. Winnie.

Q. Or as hard as he hit you? A. I don't think Mr. Brockway ever hit a man as hard.

By Mr. Litchfield:

Q. Do you think if Mr. Brockway had just been spanked and had a chance to retaliate he would hit as hard as you did? A. I don't think Mr. Brockway could hit as hard a blow as I did when I struck Mr. Winnie; I would naturally think if a man got that number of blows it would commence being numb after a while, from the experience I have received when I was a boy going to school, with the ruler.

By Judge Gilbert:

Q. Did you notice your back or Winnie's back afterwards, to see whether the flesh was black and blue on the buttocks? A. No, sir; yes; I did mine.

Q. Was it black and blue? A. No, sir.

Q. Suppose the blows had been sufficiently severe to cause the flesh to become black and blue, and twenty-four blows had been given, then what would you say with reference to the severity of the punishment, judging from the experience which you have just related? A. Some people's flesh will blacken a good deal easier than others; I have seen from my experience down there.

Q. Do you believe the flesh of an inmate that had been paddled sixteen or eighteen times upon the buttock, the flesh upon that point would be more tender than those that had never been paddled at all? A. Oh, yes; it would be more tender.

Q. Blows that would cause the buttocks of an experienced inmate would not become purple, or black and blue as easily as yourself would from the blows you received, would it? A. I don't know why it wouldn't.

Q. Your buttock wasn't black and blue from the blows you received? A. No; but it was colored; it was red, very red, dark red.

Q. Wasn't purple, or black and blue? A. No, sir.

By Mr Litchfield:

Q. Take a yellow color such as a boy would get from a snowball in the cheek ? A. Dark red color, dirty color.

By Judge Gilbert:

Q. Winnie paddled you before you paddled Winnie ? A. Yes, sir.

Q. You are positive that you were paddled first ? A. Yes, sir.

Q. I am a little curious to know why it was you were discussing this matter and why it was you were subjecting yourself to this kind of punishment ? A. Through curiosity.

Q. What had awakened your curiosity, what you had seen in the bath-room ? A. Yes, sir.

Q. The appearance of suffering on the part of the inmates when they were receiving the punishment ? A. Yes; some men—

Q You can explain by and by; at times would the inmates cry when they were receiving this punishment ? A. Yes, sir.

Q. And beg to have Mr. Brockway stop, or ask him to stop? A. Yes, sir.

Q. And promise to do better, etc. ? A. Yes, sir.

Q. Isn't it true that upon several occasions you thought that the punishment had gone too far and was too severe ? A. Never.

Q. Didn't think that ? A. Sometimes I thought he didn't give them enough.

Q. Wasn't that a question of discussion or talk between you and Mr. Winnie ? A. No, sir.

Q. Wasn't that one of the reasons why you were trying the experiment, to see whether these people were feigning this appearance of pain or suffering, or whether it was actual ? A. That is just what I was going to try and explain.

Q. You were doing this for the purpose of determining whether or not they were feigning it or whether it was actual suffering which they exhibited ? A. Yes, sir; I have seen men come in there, small men, take down their pants, spanked on the backside and never make a whimper; I have seen great big men, as big as myself, come in there and if they got struck two blows you could hear them the whole length of the hall; a big man ought to stand more pain than a small man.

Q. From this experience that you had, did you come to the conclusion that they were faking when they pretended to suffer or appeared to suffer ? A. Yes, sir.

Q. You came to the conclusion it was all put on ? A. Some of it: yes, sir.

Q. It wasn't a very painful process; is that what you mean ? A. Yes, sir.

Q. What did you mean when you said when you received the second blow it seemed as if the strap was driving a thousand needles into your flesh, and the next blow you received it seemed as if it was driving 10,000 needles? A. I have seen small fellows take five or six spats on their backside and never make a murmur; I have seen big men come in there and get hit twice and they would carry on and cry, and I thought there was a good deal of faking, that there was a good deal put on, and I says to him, and he says to me, "Let us try it and see what there is in it;" that is how we came.

Q. You found there was more in it than you supposed? A. Well, it is good, humane punishment.

Q. You were trying the experiment; did you mean to go through the process, and you administer the punishment or Winnie administer the punishment to you in the same manner Brockway was administering it to the inmates; if so, what was the use of the experiment? A. We experimented.

Q. You were sure to experiment with the small strap?

Mr. Babcock.—They didn't have the other one then? A. No, sir.

Q. Wasn't the large strap in use at that time? A. No, sir.

Q. Two years ago? A. No, sir; I can tell you exactly, figuring up; I made the strap myself.

Q. Did you make the present large strap? A. Yes, sir.

Q. When did you make it? A. I think it was that day or the day after; Mr. Winnie and I experimented with the broken strap.

Q. Do you say positively the strap was not made until that day or the day after? A. Yes, sir.

Q. Why did you make the new strap that day or the day after? A. Because the handle was broke.

Q. Did you break it that day when you used it on each other? A. No, sir.

Q Did you come to the conclusion that the old strap was not as efficient or heavy enough, and it was necessary to have a heavier strap? A. Mr. Winnie says, "Go to work and make another strap."

Q. "That isn't heavy enough?" A. He didn't say that.

Q. What reason did he give for making the other strap? A. The handle was broke.

Q. The handle had been broken for a long while? A. Yes, sir.

Q. Hadn't you for a time used a piece of hose? A. No, sir.

Q. Did you ever see that used? A. No, sir; not in my administration.

By Mr. Litchfield:

Q. Did you do all the work on the strap or have any of it done in the shop? A. I went out to the novelty shop, told the foreman to turn me out a handle, and he had it turned out.

Q. About the rest of the strap; did you cut out the leather part of the strap? A. I went to the foreman in the novelty shop and told him I wanted a piece of leather, and took a piece of belting; it is better leather than sole leather; I got the belting and the handle; I went out and give the order and went out three or four hours afterwards, and he handed me the handle wrapped up in a paper, and I took the leather in and made it.

Q. You cut the leather part out yourself? A. Yes, sir.

Q. Did you fasten it on the handle yourself? A. I did.

Q. What was the handle made of? A. Hickory, I believe.

Q. Do you know how the first handle got broken? A. I don't know.

Q. Do you know whether by using it? A. I don't know how it did get broken; it might have been stepped on in the store-room where I had the tackle for hoisting up

Q. You made the new strap somewhat wider than the old one? A. It is wider.

Q. Make a more efficient weapon for the purpose? A. By wetting it in water to limber it up; it would naturally stretch was the reason why it was made a little wider.

Q. Cover more surface? A. Yes, sir; I made it on my own judgment.

Q. Was the new strap of better quality leather than the former strap; you say it was good belting? A. Yes, sir.

Q. That leather of itself is of a firmer grain than the other? A. Yes, sir.

Q. More solid? A. More solid; oak tanned.

Q. If it was wider than the old blade and longer, and of the same thickness, would it not naturally weigh more? A. Yes, sir.

Q. To the best of your recollection it did weigh more? A. Yes, sir.

Q. How much longer is the strap part than the old one? A. I don't think there is over three inches; two or three inches.

Q. How much more width about? A. I don't think it is much wider where the handle part goes on.

Q. At the other end and down the blade of the paddle was it wider than the other one? A. Yes; down the extreme end.

Q. How much wider? A. The old strap, from dipping it in water and drying out, and water again, it breaks, and the old strap is more to a point, but I should judge it is three-quarters of an inch wider at the end.

By Judge Gilbert:

Q. Did you experiment on stringing up? A. Yes, sir.

Q. I am requested to ask this question; if Mr. Winnie stated that he was paddled first, he was mistaken? A. He was mistaken if he says that.

Q. Now you say that you went further in your experimenting and tried the stringing-up process? A. Yes, sir.

Q. Where did that occur? A. In the bath-room.

Q. With the same apparatus you used to string up the inmates? A. Yes, sir.

Q. Who assisted in the experiment? A. Mr. Coleman, the present assistant storekeeper and Mr. Lazenby.

Q. Who else? A. They were the two officers that hoisted me up.

Q. You were the one that took the place of the inmate convict? A. Yes, sir.

Q. They placed you at the window? A. Yes; Mr. Lazenby placed the handcuffs on my wrist, and took the cord with the snap in, and snapped it in the chain that connects the cuffs and hoisted me up.

Q. So your feet didn't touch the floor? A. Yes, sir; I told them to haul me up so that my feet wouldn't touch the floor.

Q. How long did they keep you in that position? A. Twelve seconds.

Q. What have you to say as to the experience that you had there? A. My right wrist was all right, because the cuff was good and tight; the left one was loose; it hurt my hand right across here.

Q. Across the bottom of the hand? A. Yes, sir; the heel of the hand.

Q. Was the pain severe? A. Yes, sir; right in the hand.

Q. Did they hold you there until you said enough? A. Yes, sir.

Q. When you said "enough" they let you down? A. Yes, sir.

Q. What were the sensations that you felt while undergoing the process or experiment? A. Only the mere weight that I received from the strain on my wrist, that is all.

Q. Did you try the experiment of laying down on the floor and allowing them to haul you up from that position by the cuffs being placed upon your wrist? A. No, sir.

By Mr. Litchfield:

Q. Did it leave any mark on your wrist that lasted for any time afterwards? A. No, sir; it probably was there for fifteen or twenty minutes; a little ridge.

Q. And disappeared? A. Yes, sir.

By Judge Gilbert:

Q. How did you come to make that experiment? A. Only for curiosity sake.

Q. What aroused your curiosity? A. Reading the newspapers from the time the investigation started.

Q. This occurred since this investigation started? A. With the hanging up; yes, sir.

Q. Can you give the date that you refer to? A. No, sir.

Q. About how many weeks ago? A. It is not long ago; couple of weeks ago.

By Mr. Litchfield:

Q. You wouldn't have cared to be hung up much longer than twelve seconds? A. That is long enough.

Q. Did it hurt you to such an extent that you could guess at all how it would be if you had been held twice that length of time? A. Yes; it would.

Q. It would have been very severe? A. Yes, sir.

Q. Do you think you would have felt it in your right wrist all that time? A. I think if the cuff on my left wrist was as snug as it was on my right, I think I could have stood it twenty-four seconds.

Q. Those handcuffs were not made to fit men like gloves; if a man was hung up for twenty-four seconds with ill-fitting cuffs it would be a pretty serious matter, according to your experience? A. The officer was probably a little timid about putting them on; he didn't want to hurt my wrists or any thing; when I have been down to the bath-room and put cuffs on to a man, I would put them on good and snug; I generally used to put them on good and snug.

Q. After this if you had occasion to string a man up you would take pains to put the cuffs on snugly? A. I would not be particular about it; I can't always do it in a struggle, when a man is resisting; you are down on the floor with a man; you get him by the wrist and you want to get the handcuff on him; you can't gauge it to a notch or two.

Q. In your own case you think twenty-four seconds would have been more than you wanted? A. I could have stood it twenty-four seconds; if the cuff on my left hand was a little tighter.

Q. As it was you wouldn't have cared to risk the experiment? A. No, sir.

Q. Would have been too severe altogether? A. Yes, sir.

By Mr. Babcock:

Q. Was the suffering you experienced on account of the misfitting of the cuff? A. Yes, sir.

Q. Were you lame in body after that at all? A. No, sir.

Q. Experienced no other inconvenience? A. Seemed to do me good.

Q. Experienced no other inconvenience except where the cuff hurt your wrist because it was a misfit? A. No, sir.

Q. Your weight is how much? A. Two hundred pounds.

Q. I wish you would compare the force of the blows which Winnie gave to you with the spats that Mr. Brockway gave to the inmates in the bath-room, whether those were lighter or heavier? A. Mr. Winnie is a big man, has a good arm on him.

Mr. Litchfield.—I suggest he didn't see Mr. Winnie give the blows; he only felt them.

Q. Were the blows which Mr. Winnie gave to you or you gave to Winnie on the occasion of this experiment, heavier or lighter than the spats that Mr. Brockway gave to the inmates in the bath-room? A. I would consider them more severe and heavier.

Q. That is the blows you and Winnie received? A. Yes, sir.

Q. You purposely intended to make them as strong as you could as far as you were concerned? A. Yes, sir.

Q. And you understood that to be the purpose of Mr. Winnie? A. That was the understanding.

Q. To strike as hard as you could? A. Yes, sir.

Q. You have spoken of men who were strung up; if I understand you correctly no man was strung up in your presence so that his feet did not touch the floor? A. But what he could stand on his feet if he wanted to; but I have seen three or four cases where men would deliberately pull themselves.

Q. That wasn't because their feet couldn't touch the floor? A. They would pull themselves up, and they would kick; try to kick.

Q. What can you say about the percentage of men that have necessarily been handcuffed and fastened to the window because they wouldn't maintain their position for treatment; what percentage or what number have been handcuffed with the snap attached to the window? A. Probably ten out of a hundred men.

Q. Do you think it is as many as that? A. Yes, sir.

Q. In those cases it was necessary to adopt that course to keep them in position? A. Yes, sir.

Q. Can you state about what proportion or percentage of men that are taken to the bath-room during your administration were simply admonished and then let off? A. Yes; I should say half.

Q. While they were there would conversation ensue between the superintendent and the inmate? A. Yes, sir.

Q. What was the character, in general terms, of that conversation, good nature, angry or what, on the part of Mr. Brockway? A. He would be stern with the prisoner; in some cases where the

man would be dull, slow to perceive what the superintendent was trying to impress upon him, when he was talking, he would act as though he was mad; he would speak up sharp, and the man would probably think he was angry.

Q. Was he? A. Not in my estimation; I have seen him let the man go, and after the man was out of his sight he would smile all over his face.

Q. It didn't suggest to you any unkindness or anger on the part of the superintendent when you saw those exhibitions? A. Not at all.

Q. You have stated on a few occasions you were compelled to strike an inmate in the bath-room; what was the necessity for that? A. The superintendent would order a man to take his coat off; every man spanked takes his coat off; the man says: "No;" and he will turn and resist; I have taken a man by the collar and upset him on the floor; I have slapped him a blow on the side of his face.

Q. With the open hand? A. Yes, sir; I have put him on his back; of course I would be assisted by another officer.

Q. Is that the kind of blow you referred to in speaking of the case where have you struck a man in the bath-room? A. That is one kind of a blow; I would get the man down on his back; I would try to hold the man until the other officer got the cuffs on; he has fought, struck out, kicked; I have hit the man; struck the man with my fist.

Q. That was when he was striking at you? A. Yes, sir.

Q. Did you do it in self-defense in each instance? A. Yes, sir.

Q. To protect yourself and subdue him? A. Yes, sir.

Q. Did you deem those blows necessary? A. Yes, sir.

Q. During the time you were doing that you don't mean to be understood the other officer was pounding and striking the man at the same time? A. No, sir.

Q. What would the other officer be doing those times? A. He would try to get hold of the man's hand and put the cuff on; when Mr. Winnie was there I used to put the cuff on, and after Mr. Winnie left Mr. Lazenby and Mr. Halpin.

By Judge Gilbert:

Q. You say those instances that you refer to when you struck an inmate is where the inmate, when he was ordered to take off his coat, refused? A. Yes, sir.

Q. Then you would take him and throw him on the floor? A. Yes, sir.

Q. And you would hold him there? A. Yes, sir.

Q. And another officer would step up and put the cuffs on him? A. Yes, sir.

Q. How would you get his coat off after the cuffs were put on? A. We wouldn't take his coat off then.

Q. Leave the coat on? A. Yes, sir.

Q. And punish him with the coat on? A. Yes, sir.

Q. While the inmate was down on the floor and you holding him, and another officer was putting on the cuffs, you say the inmate would strike at you? A. Yes, sir.

Q. And it was necessary for you to strike him in the face, or in other words where you could hit him with your fist, in self defense? A. Yes, sir.

Q. With two other officers standing with you? A. I said one officer.

Q. There were two other officers there with you? A. No, sir.

Q. The superintendent was there? A. Yes, sir; and another officer.

Q. He is an officer? A. Yes, sir.

Q. Mr. Winnie or Mr. Halpin was there, one or the other of them? A. Yes, sir.

Q. Or, as you have stated, all three of you were present? A. With Mr. Brockway.

Q. Weren't the other two there sometimes? A. Yes, sir.

Q. Do you mean to say honestly that with an inmate down upon his back and you over him, holding him, in the manner which you have described, that it was necessary for you, in self-defense, to strike that man with your fist? A. Yes, sir.

Q. In his face, or in other words, where you could hit him? A. Yes, sir.

Q. You, weighing over 200 pounds, and Halpin, if he was present, weighing about 200 pounds? A. Yes, sir.

Q. And Winnie weighing 225 pounds, if he was present; you say it was necessary in self-defense to do that? A. I don't pretend to say, when the three of us would be in there, that we would do that.

Q. Haven't you stated, since you have been upon the stand, that sometimes these three officers were present? A. The two officers with the superintendent.

(Question repeated.) A. Besides the superintendent?

Q. Yes. A. Yes, sir.

Q. Usually those officers were present when you had an inmate to deal with that you believed would resist or who was resisting? A. Not altogether so.

Q. Occasionally that was so? A. We never cared about that.

Q. You never cared whether it was two or three that were present? A. No, sir.

Q. You were always competent to protect yourself and to subdue the inmate? A. I was; yes, sir.

Q. As the shackles were put upon the inmate he was hauled up by the pulley? A. No; he was placed on his feet; pick him up and place him on his feet.

Q. Sometimes he wouldn't stand? A. Sometimes he wouldn't.

Q. Then before you could attach that rope to the shackles you would then try to make him stand up? A. He would stand up.

Q. In short, do you mean to say you never struck a man with your fist after the shackles were put upon him? A. I never did.

Q. Do you say a man never was struck after the shackles were put upon him? A. Only with the strap.

Q. You say you have never known of a case where an inmate was struck by an officer's fist, after the shackles were placed upon him? A. Never.

Q. When upon the floor you were trying to subdue the man, do you say an officer never kicked him? A. I can say that; yes, sir.

Q. Nor after the shackles were put upon him and he was hauled up to the window to make him stand up? A. No.

Q. Did you have orders from Mr. Brockway not to strike a man after he was shackled? A. No, sir.

Q. I understand you to say you never struck a man with your fist hard enough to draw blood? A. I never did.

Q. Or to make a bruise? A. No, sir.

Q. Even a black and blue mark? A. No, sir; I understood you to mean down in the bath-room.

Q. Your remark applies only to the bath-room? A. Yes, sir.

Q. What per cent of the inmates do you say would resist and you would have to subdue them and haul them up by aid of the shackles and cord? A. Ten out of every hundred.

Q. Out of the 800 you refer to about eighty would have to be handled in that way? A. Yes, sir.

Q. Do I understand you to say that ten out of every hundred or eighty out of the 800 that you have seen punished, that you have had to resort to these extreme measures for the purpose of compelling them to submit to this kind of punishment? A. Oh, no; you asked me how many men I ever seen hauled up to the window; I told you ten per cent; some men didn't resist.

Q. You make a distinction between the men that were hauled up by the aid of the shackles and the cords and those who resisted? A. Oh, yes.

Q. What per cent of those that was punished resisted and you had to resort to extreme measures in order to compel them to submit of punishment? A. Probably five per cent.

Q. Forty out of 800? A. Yes, sir.

Q. As I understand you, forty inmates were treated in the manner which you have stated, solely for the purpose of compelling them to take a position where the superintendent could administer this punishment with the strap? A. Yes, sir.

Q. And for no other cause? A. No, sir.

Q. What per cent of these inmates will you say received blows or taps over the head with the strap or across the face with the strap? A. I will say one per cent.

Q. You say one per cent; eight out of the 800? A. Yes, sir.

Q. Did you say you never saw, in all the experience that you have had in connection with the punishment of the inmates with the strap, that you never saw more than eight of the inmates that were struck over the head with the strap? A. To draw blood?

Q. I asked you how many in all, what per cent of the 800 were, while they were receiving this punishment, struck over the head by the superintendent with a strap or across their face with a strap? A. I will say five per cent.

Q. What portion of these were struck with sufficient severity to cause the blood to flow from their noses? A. One per cent.

Q. That would be eighty? A. Yes, sir.

Q. What per cent of these were struck with such severity as to leave bruises, black and blue bruises, upon their faces? A. Probably one per cent; I couldn't say exactly.

Q. It might have been two per cent? A. I have seen them with black and blue purple spots on their cheek-bones.

Q. Black and blue around their eyes? A. Yes, sir.

Q. Indicating they had received a severe blow? A. Not so severe.

Q. A blow sufficiently severe to cause it to become black and blue? A. Yes, sir.

Q. You should judge about one per cent? A. Yes, sir.

Q. Will you say positively it would not be two per cent? A. That is what I swear to, one per cent.

Q. One per cent is your best judgment? A. Yes, sir.

Q. As I understand you, you state, as the others do, that these blows over the head and across the face were given solely because the inmate turned his head; didn't continue to look in the direction that he was ordered to look? A. Yes, sir.

Q. And for no other purpose? A. No other purpose.

Q. Never given, so far as you saw or know, for the purpose of punishing the inmate for anything that had occurred in con-

nection with his imprisonment outside of the bath-room? A. No; never.

Q. Nothing of the kind? A. No, sir.

Q. Was, in fact, no part of the punishment which he deserved because of a violation of any other of the reformatory rules? A. Never.

Q. Solely because he turned his head? A. Yes, sir.

Q. Wasn't it frequently the case the inmate turned his head for the purpose of speaking to Mr. Brockway? A. No, sir.

Q. Never for that purpose? A. It might have been.

Q. May he not also have turned his head for the purpose of begging or asking Mr. Brockway to desist from further punishment? A. He would always warn him.

Q. I am asking you now if, upon certain occasions, these blows were not given because the inmate turned his head for the purpose of asking Mr. Brockway to desist from the infliction of further punishment? A. No.

Q. Never? A. No, sir; I don't think so, in my judgment.

Q. Your recollection? A. And my recollection.

Q. Never was an occasion of that kind? A. No, sir.

Q. Invariably what was it that the inmate done when he turned his head? A. He would turn his head.

Q. Without saying anything? A. Yes, sir; turn his head toward the superintendent.

Q. Without saying anything by way of begging for mercy, or saying anything of an abusive character to Mr. Brockway? A. I have heard men use very abusive language to him when he has been spanked.

Q. When they turned their head? A. Yes, sir.

Q. Were these blows given invariably upon these occasions when they turned their heads, and used abusive language? A. He would never hit them over the head then.

Q. But it was simply upon those occasions when they turned their heads and looked in another direction, without saying anything; is that it? A. Yes, sir.

Q. Upon those occasions when they would turn their heads for the purpose of begging for mercy, then they were not struck; do you say that? A. Yes, sir.

Q. Or when they turned their heads, and evidently while in anger, used abusive language toward Mr. Brockway, he didn't then strike them? A. No, sir.

Q. Only when they were silent and turned their heads? (No answer.)

Q. Do you say that during the entire time that you have been engaged in the enforcement of the discipline administered in the bath-room that you never have seen the blood flow from any part

of an inmate's person except from the nose, caused by an injury he received there in the bath-room? A. Yes, sir.

Q. Those are the only instances? A. Yes, sir.

Q. Have you observed the condition of their body after they have received the punishment? A. No, sir.

Q. Never did? A. No, sir.

Q. Don't know what the appearance was, either the few minutes after the received the punishment or in the latter part of the day upon which they received the punishment, or a day or two after that? A. A few minutes after; probably fifteen minutes after they were spanked.

Q. That was all? A. Yes, sir.

Q. But never have seen the buttocks of those who had received L blows, or LXL blows, or LLX blows; you never saw their backs after they had been punished, a few hours after? A. No, sir.

Q. You don't know anything about what the actual condition of their backs was? A. No, sir.

Q. Those cases where you saw their backs within a few minutes after the punishment ceased, what was the appearance? A. A red, purple color; dark red; some places purple.

Q. Isn't it true that these inmates frequently, while the punishment was being inflicted, would cry with pain? A. Some men would cry.

Q. And would holler because of pain? A. They would howl.

Q. And beg Mr. Brockway to stop? A. Yes, sir.

Q. And promise to do better, etc.? A. Yes, sir.

Q. What have you to say with reference to what the fact is, as to whether, when they would beg of Mr. Brockway to stop, whether he paid any attention to it and did stop, or did he continue to administer the punishment until he thought he had given blows enough? A. Yes, sir.

Q. He would continue? A. Yes, sir.

Q. Do you say that invariably, in every case where they would promise to do better, that he would then stop? A. Yes, sir; as soon as they would say that he would stop; I would like to mention one thing; I have saw a dozen men after they have been spanked; they would promise to do better, and they would get outside of the door and would laugh.

Q. Those inmates were very likely to be brought back there and punished again? A. No; I have reported it to the superintendent.

Q. Did Mr. Brockway, between each blow, ask the inmate if he would promise to do better? A. No, sir.

Q. Or would he continue to administer the blows right along, blow after blow, until the inmate would promise to do better?

A. Mr. Brockway, in his own judgment, he knew when the man had enough, and the man would promise him he would be all right, and would do what was right, and he would let up on him.

Q. Then these blows were administered so long as, in the judgment of Mr. Brockway, it was deemed proper to give them; is that so? A. Yes, sir.

Q. Did you know an inmate by the name of Albert Merritt, 4451? A. Yes, sir.

Q. Were you ever in the bath-room when he was paddled? A. Yes, sir.

Q. Was he struck across the face by the superintendent with the strap? A. I don't recollect.

Q. Was he given a black eye as the result of that blow? A. I don't recollect any blow.

Q. Was he struck with the handle of the paddle on the chin? A. I don't remember.

Q. You say you remember this man Albert Merritt? A. Yes sir.

Q. Don't you remember the occasion when he was punished? A. I remember he was in the bath-room.

Q. Can't you remember any of the circumstances or particulars? A. I can not; there is one thing, I suppose, I am about as well acquainted with the men as any other man in the institution, my position as storekeeper, I received the men when they came here, and dressed them; they would come to the store-room to be fitted out with clothing, shoes, and everything; I used to be thrown in contact with the men more than any other man in the institution; I kept a record of each and every man's clothing account; that is one reason why I am so familiar with the names and faces of these men.

Q. Did the inmates sometimes receive bruises outside of the bath-room which would give them black eyes or create black and blue bruises upon their faces? A. Yes, sir; a number of times.

Q. Can you recollect any particular occasion or the names of any particular ones that received bruises outside of the bath-room, causing black and blue eyes or bruises? A. Yes; I can remember one case, a fight in the shop.

Q. Give the name of the inmate? A. I can give the name of the inmate that had the black eye; his name is Bence.

Q. Give his consecutive number? A. I probably might have it (referring to book), 4917.

Q. Is he still in the reformatory? A. Yes, sir.

Q. Do you remember any other? A. I can't recall the man now; no, sir.

Q. Do you remember an inmate named James J. Shortell, 4594? A. Yes, sir; he is here now.

Q. Were you ever present in the bath-room when he was punished by Mr. Brockway? A. Yes, sir.

Q. Did you at the time interfere and say to the superintendent that he had better let him go; that he had punished him enough? A. No, sir.

Q. Did you ever, upon any occasion, while he was engaged in punishing any inmate, say to him that he had punished the inmate sufficient to let him go? A. No, sir.

Q. Or intercede in behalf of the inmate? A. Never.

Q. Did you ever see Winnie kick this man either in the bath-room or anywhere else? A. No, sir,

Q. Did you ever see him receive a blow over the eye given by Mr. Brockway? A. I don't remember.

Q. In using the strap? A. I don't remember.

Q. Do you know anything about what the condition of this man's eyes is now? A. I do not.

Q. Do you know whether anything has been the matter with them since he has been here? A. I never knew of anything.

Q. Do you know how many times this man has been punished? A. I do not.

Q. You say you recollect being present only once? A. Once.

Q. Do you remember when that was? A. I can't recall the date.

Q. Do you know how many times this man has been spanked? A. No, sir.

Q. Don't know anything about it? A. No, sir.

Q. Can you explain how it is, or why it is if this man was spanked, as the records shows, six times, how is it that you only recollect one time? A. I couldn't say; that is the only one I remember.

Judge Gilbert.—He was spanked September 17, 1891, October 9, 1891, F; May 28, 1892, K; August 6, 1892, K; February 18, 1893, K; February 28, 1893, L.

Mr. Babcock.—This Shortel testified Sample was present at some of the spankings.

Mr. Babcock.—The judge, in some of the questions to Mr. Sample, spoke of the record as showing LL plus; I don't understand the record shows two L plus blows, but one L plus.

Mr. White.—I think Mr. Babcock is right.

Judge Gilbert:

Q. Do you recollect an inmate named Frank Finch, consecutive number 4537? A. Yes, sir; he is here now.

Q. Were you ever present when he was punished? A. I don't remember.

Judge Gilbert.—The record of scars shows number of small moles on the back, any number of warts on top ,of right hand small scar on back of middle finger, right hand, warts all over left hand, scar on first finger left hand, a scar on right foot below knee, big scar on right hand cheek.

Mr. Hoppe.—That is the record made when he came in the institution.

Q. Was this man Finch ever struck in the mouth in your presence by any one? A. No, sir; I don't remember that man being to the bath-room; he might have been there; but I don't remember his case.

Q. Ever know of his being knocked down by the superintendent? A. No, sir.

Q. Or his receiving thirty-two blows at one time from the paddle? A. No, sir.

Q. Do you know of any inmate receiving as many as thirty-two blows at one time? A. No, sir.

Q. What is the greatest number of blows you have ever known an inmate to receive at one punishment? A. Between twelve and fifteen.

Q. Are you willing to state positively that this is the greatest number, that there were never more than fifteen blows administrated at any one punishmnt when you were present? A. There might have been more than fifteen; but I would say between twelve and fifteen.

Q. Were you ever present when Frank Koenig, 4710, was punished? A. Yes, sir.

Q. How many times? A. Twice.

Q. Was he strung up on either occasion? A. Yes, sir.

Q. Strung up so that his feet were clear from the floor? A. No, sir.

Q. Was his head cut in such a manner that the blood ran? A. No, sir.

Q. From any blow or injury he received while in the bath-room? A. No, sir.

Q. Did some one at a time when he was in the bath-room, and after he was punished, some one put water upon his head, or used water for the purpose of restoring him, or bathing him? A. I know nothing about it.

Q. Do you recollect any such occasion? A. No, sir.

Q. Do you know what this man was punished for? A. Yes, sir.

Q. What? A. Once for fighting and once for masturbation.

Q. The two occasions you refer to were for the causes you have stated? A. Yes, sir.

Q. Were his eyes injured by any blows that he received at these punishments, that is, the sight of his eye injured by any blow he received at these punishments? A. I don't remember of his ever receiving a blow.

Q. Across the face? A. No; in the eye.

Mr. Babcock.—The record shows the inmate was punished three times for disturbance, tobacco, fighting, masturbation.

Q. Can you remember anything that happened upon these two occasions when you were present, and saw this man punished? A. Yes; he was hung up.

Q. Both times was he hung up? A. Only once.

Q. Was it when he was accused of masturbation or when he was accused of fighting some one? A. The first time for fighting.

Q. Can you recollect any other particular that occurred at that time? A. No, sir.

Q. Do you remember the inmate John McCormick, 4768? A. Yes, sir.

Q. More than once when he was punished? A. I remember his being in the bath-room once or twice.

Q. Were you present when he was punished in the bath-room? A. Only once.

Q. Do you remember what that was for? A. No, sir; I do not.

Q. Upon that occasion was he kicked by the superintendent? A. No, sir.

Q. Either in the groin or anywhere else? A. Never was kicked.

Q. By the superintendent in your presence? A. He never kicked a man; I can say positively; I was there once when McCormick was in the bath-room.

Q. You can't say twice? A. No, sir; I might have been there twice; I remember one time he was in there to be transferred; he said he was an ex-convict, and wanted to be transferred.

Q. Do you remember a convict named James Joseph Riley, consecutive number 4776? A. Yes, sir.

Q. Were you present when he was punished in the bath-room? A. Yes, sir.

Q. More than once? A. I can remember once; I can say once.

Q. Do you know what he was punished for? A. I believe he was punished for talking and reports; getting reports.

Q. Do you know of this man being at one time confined in the solitary? A. Yes, sir.

Q. How was he fastened? A. Fastened with one hand.

Q. Was he ever chained by one hand and one foot? A. No; never.

Q. Do you know how long this man was confined in the solitary? A. No, sir; I do not.

Q. Were the blinds to the solitary closed during the time he was there, that he was confined in the solitary? A. I never saw the blinds shut.

Q. Do you know why this man was put in the solitary? A. Yes, sir.

Q. What for; what offense was he charged with? A. Sodomy.

Q. Was he afterwards transferred? A. No, sir; he is here yet.

Q. Was he found guilty? A. Yes, sir; by his own admission.

Q. You can only recollect one occasion, you say, when he was punished in the bath-room? A. That is all.

Q. Can you give any reason why, if the records are correct; you can recollect nothing in reference to the other two occasions when he was punished in the bath-room? A. No, sir.

Mr. Hoppe.—I want to put in: He was placed in the reception-room, waiting investigation, January 2, 1893; taken out of reception-room and transferred to cell 606, January 5, 1893.

Q. During that time was he chained by the hand to the ring in the corner? A. Yes, sir; I will tell you how that came; when the investigation of the sodomy business was brought up, the man was put around on the back side, in a seclusion cell, where we had other witnesses in.

Q. Do you know a man named John B. Corey, 4848? A. Yes, sir

Q. Did the superintendent, in your presence, and in the presence of Halpin, strike this man Corey? A. No, sir.

Q. Did he strike him in the face or over the eye, and make a mark with the ring upon the superintendent's finger? A. No, sir.

Q. Was he, upon any occasion, while he was in the bath-room, thrown upon the floor in your presence by Halpin? A. No, sir.

Q. Do you remember any occasion when you were required to use force to subdue him? A. No, sir.

Q. Was he at one time while in the bath-room for the purpose of being punished, thrown upon the floor, and while upon the floor kicked by the superintendent in your presence? A. Never.

Q. Or clubbed while he was down on the floor? A. Never had a club; never carried a club.

Q. By anyone in your presence? A. No.

Q. Did he receive an injury to one of his eyes while in the bath-room for punishment? A. No, sir.

Q. Was he at one time in your presence while in the bath-room, struck by the superintendent and one tooth knocked out? A. No, sir.

Q. Was that man ever confined in the solitary, so far as you recollect? A. I don't remember.

Q. Can't say whether he was or was not? A. No, sir; he might have been when he was transferred; I probably put him in the night before.

Q. Is it true that at one time he was confined in the solitary for the period of three or four days, and chained down by his hands and legs? A. I don't remember his ever being in the solitary.

Q. Is it true that he was kept in a dark cell for two months? A. That is not so.

Q. Had you any dark cell? A. No, sir.

Q. What is the fact as to whether there are beds in all of the cells, when they are occupied by inmates? A. Yes; only there are four cells in the south hall; when we bring a man in from the shop, when he does not obey, or fights, there are four cells that we put a man in, and search him, and there is no bed in there, but if he is kept in there over night he is furnished with a bed.

Q. And blanket? A. Oh, yes; double blanket.

Q. You say there are no cells in which prisoners are confined through the night which are not provided with beds and blankets? A. No, sir; there are none at all.

Q. How many times do you say you were present when he was punished? A. I can remember once.

Q. But once; can you explain how it is that you can recollect nothing with reference to other occasions when he was punished in the bath-room, if the records are correct; the records stating he was punished six times? A. I can remember his being punished once, and I think he has been left off two or three times.

Q. You can't give any reason or explain why it is, if the records are correct, you can recollect nothing about the other punishments? A. No, sir.

Judge Gilbert.—The first punishment is September 12, 1891; December 29, 1891; February 23, 1892; March 30, 1892; May 16, 1892; May 23, 1892.

Q. While in the bath-room and having in charge the inmates that were punished there, did any of the officers carry a club or billy, anything of that kind? A. No, sir.

Q. Never knew one to have anything of that kind? A. No, sir.

Q. What was the weapon you usually carried? A. In the bath-room?

Q. Anywhere? A. There might be half a dozen officers in the institution carry a revolver.

Q. Do you carry any weapon? A. I carry a revolver all the time at the present time.

Q. During the time you assisted in subduing or controlling inmates while in the bath-room? A. I never carried any revolver then; no club or no cane.

Q. You know the screen cells? A. Yes, sir.

Q. They can be made dark by closing the wooden door? A. Not to exclude all the light.

Q. These doors are so constructed that they can be closed over the entrance to the cell? A. Yes, sir.

Q. Do you know of any instance when those doors were closed? A. I do not.

Q. You say that when they are closed there are some light? A. Yes, sir.

Q. It does not make the cell entirely dark? A. No, sir.

Q. What opportunity is there for the light to enter? A. Through the top; through the brake.

Q. How wide a space is there for the light to enter the cell? A. A space of four or five inches, I should judge.

Q. Have you ever been in the cells for the purpose of seeing whether or not the cell was totally dark, with that blind closed? A. Yes, sir; I went in for the purpose.

Q. When? A. Two and a half or three years ago.

Q. Of these solitaries there are eight cells, four upon the side next to the windows and four to the back side of the row, that there are no windows opposite to; what have you to say whether those cells are dark or not? A. They are not dark.

Q. Not entirely dark? A. No, sir.

Q. Can an inmate read while he is confined in one of those cells? A. He can on the side the windows are on.

Q. I mean the back row? A. No, sir.

Q. Do you remember cell 663? A. I know where the cell is.

Q. Called a rest-cure cell? A. Yes, sir.

Q. Is there any wooden door to that cell? A. No, sir.

Q. Or screen door? A. No, sir.

Mr. Hoppe.— We want to put in this record of scars as shown when he entered the institution: "Scars on right wrist, scars on knuckle right hand; scars on right and left top and back of head, and on forehead; scars on left and right eye; scar on upper lip; scar on left knee pan. He was in the rest cure in cell 663 from December ten until December fifteen, after spanking, on December 29, 1891, he was sent out to work immediately; also after the other spankings on February 23, 1892, March 30, 1892, May 16, 1892, and May 23, 1892. Never in seclusion."

(Examination of this witness suspended for the present.)

August Bandorf, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Are you an officer in the Elmira reformatory? A. I am foreman in the foundry.

Q. Were you foreman of the foundry at the time when one of the inmates secreted himself in a hole under the foundry floor? A. Yes, sir.

Q. Were you present at the time when Mr. Winnie attempted to compel him to leave that place? A. Yes, sir.

Q. Will you state what Mr. Winnie done in order to accomplish that? A. It was right alongside of his sand pile; the sand runs up against a four-foot partition and there is a three-foot partition alongside of that and the hole was right in the corner of the two; I kicked some sand down there and pulled him out; the man came out laughing; his name was Buckley.

Q. Anything else? A. That is all.

Q. Do you know how long the man had been concealed in that place? A. He must have been concealed in there about a half hour.

Q. Do you remember what time of day this was? A. Between 1 and 2.

Q. Do you know where that sand came from that was thrown down into the hole? A. From the sand pile.

Q. How was that sand pile accumulated or made? A. From his moulds, the sand he uses in making his moulds; he had already prepared the sand for the next day; he had got through with his day's work.

Q. Was this sand or any portion of it sand that had been used just before for molding purposes? A. Yes, sir.

Q. It had been emptied that day from the mould? A. Yes, sir.

Q. What have you to say as to whether the sand was hot at the time? A. Couldn't have been hot; it was already prepared for the next day; it might have been warm.

Q. This was sand that had gone through the proper process of preparing it and tempering it for use on the next day? A. Yes, sir.

By Mr. Litchfield:

Q. Would it be warm before it was put in the mould and the iron poured around it? A. No, sir.

Q. From the natural temperature of the room? A. Yes.

Q. When you take it out of the moulds it is quite hot then? A. Yes, sir; the sand that is right next to the form would be rather hot.

Q. Hot enough to burn a man if it fell on his foot? A. It would kind of scald him.

Q. Does it take some time to cool? A. No; you can pick up a casting about twenty minutes after it is cast.

Q. How about the sand; how soon could you handle the sand afterwards? A. About five minutes.

Q. Cools with great rapidity then? A. Yes, sir.

By Judge Gilbert:

Q. You can state what occurred when this man came out of his hiding place, what he said, what he done and what his appearance was? A. As near as I can remember it was when Mr. Winnie kind of reached down as he was coming out; I know we stood and looked down in the hole and couldn't see anything, and he smiled; if I remember the words Winnie used, "You are a nice fellow."

Q. What did the fellow say in reply to that? A. Smiled; and he walked him out of the shop.

Q. Was he punished afterwards? A. I don't know.

Q. Did you see any hot pieces of iron thrown down upon him? A. No, sir; nothing thrown only sand.

Q. Or melted iron? A. No, sir.

Q. Or was there any iron turned down upon him from a ladle such as is usually used for molding purposes? A. Not at all.

Q. Nothing of that kind? A. No, sir.

Q. Nothing more was thrown down in to the hole except the sand that was kicked down from this pile? A. No, sir.

Q. Do you say that sand wasn't hot enough to burn him? A. Couldn't have been hot enough for the sand was already prepared for the next day.

Q. Did you know an inmate named Roseman employed in the foundry? A. Yes, sir.

Q. Do you know anything about his being unable to perform his task, or handle, or lift the ladle? A. Roseman was never on task; he was in the trade-school foundry; we have a trade school and men on task work.

Q. Do you know anything about his being unable to carry the ladle that contained the molten iron? A. No, sir; I do not; every man carries his ladle of iron.

Q. Was there ever a ladle containing the requisite amount of iron necessary for use that weighed as much as seventy pounds? A. We haven't got no seventy pound ladle.

Q. How heavy is the heavest ladle? A. Our long ladle if a man takes it full of iron would carry about forty-five pounds.

Q. That is a ladle for one man? A. Yes, sir.

Q. How heavy are the ladles used by two men? A. We haven't one used that way; we have one used by three men, used occasionally, that will hold 350 pounds of metal.

Q. You have only two sizes of ladles? A. That is all.

Q. One forty-five and the other 350? A. Yes, sir.

Q. The large ladle is operated by machinery? A. No; operated by three men; that is, in carrying it; and if it requires any lifting they put on more men.

Q. Have you ever worked in other foundries than the one connected with the reformatory? A. Yes, sir.

Q. Is that your trade? A. That is my business.

Q. For how long a time have you worked at the trade? A About twenty-three years.

Q. Engaged in molding? A. Yes, sir.

Q. Castings of various sizes and kinds? A. Yes, sir.

Q. What is the size of the ladles usually used in foundries? A. In our work they will average about thirty to fifty pounds.

Q. Do you know what is an ordinary or proper task to be expected of a man working at the foundry business outside in foundries generally? A. Yes, sir.

Q. How did the tasks which the inmates of the reformatory were required to perform compare with the tasks which men outside in ordinary foundries were required to perform? A. About fifty to seventy-five per cent.

Q. The inmates were not required to do within fifty to seventy five per cent of the amount of work per day that was required to be performed by employes in ordinary foundries? A. About that.

Q. Have you ever been connected with any other prison? A. Yes, sir.

Q. What? A. Jeffersonville prison, Indiana.

Q. Do they have a foundry department there? A. Yes, sir.

Q. How are the tasks which the men are required to perform in this prison compared with the tasks men are required to perform at similiar employment at Jeffersonville prison? A. About thirty per cent lighter here.

Q. Isn't this difference in percentage caused by the fact that the men who are employed at the foundry work in this institution have had less experience or are younger men than those employed in the Jeffersonville prison? A. No, sir.

Q. Is the manner of learning them the trade or the opportunities which the men have here to learn the trade equal to those in the Jeffersonville prison? A. The men have an advantage.

Q. In what respect? A. In State prison a man is put on task, the second month he is put to work he is supposed to accomplish his task the first month; at the end of the month.

Q. In the Jeffersonville prison? A. Yes, sir.

Q. What is the rule here? A. We put them in trade school here.

Q Before they are put in the foundry at all? A. Yes, sir.

Q. What is the rule in Jeffersonville prison? A. We have no trade school there; it is all contract system.

Q. After they commence this kind of employment how soon are they required to do a full day's work? A. At the end of the first month.

By Mr. Litchfield:

Q. Are men injured frequently in the foundry by burns? A. Occasionally we have them.

Q. You have a certain number of accidents in that way? A Yes, sir.

Q. Do you consider it a more tiresome or more draggy labor than other occupations? A. No; I don't know as it is.

Q. You would as lief work at that than anything else you know? A. I would sooner work at that.

By Judge Gilbert:

Q. What is the age of the youngest prisoner in the Jeffersonville prison; they have prisoners there of all ages? A. Yes, sir; I have had them there 16 and 18 years old.

Q. How do those men that are engaged in the foundry in Jeffersonville compare with the ages of those engaged in the foundry here? A. They are really younger here in ages, but we generally made it our business, the contractor did, to have the youngest men sent to the foundry down there because they are more able to do the task.

Q. Wouldn't the fact these men here are younger than those in Jeffersonville, account for the difference in the amount of work that is required of them? A. No.

Q. Why not? A. Because we have men that boys are as strong as an ordinary man would be, and get around to work much quicker than a man of 45 or 60 would.

Q. Have you, in connection with this work, regular printed or written rules and regulations; have you any written or printed rules which regulate or govern the amount of work which each man is expected to perform? A. We have out task-books in the office.

Q. Can you produce one of the task-books that applies to the foundry? A. Yes, sir.

Q. Have you one of them with you? A. No, sir.

Q. Do those books show the amount of work each man is expected to perform? A. Yes, sir.

Q. From the time he commences the business, right along through? A. Whenever he goes on a task.

Q. For how long a time must he be employed in the foundry before he is expected to produce perfect work? A. In three months.

Q. Defective work, etc., is not charged up against him until the expiration of three months? A. He is charged with it; he is reported by making bad work over a certain per cent.

Q. What length of time is he required to work at the business before he is required to do any perfect work? A. About three months; he is supposed to do perfect work the first day he goes to work if he can do it.

Q. Is he required to do perfect work during the first week? A. The first day.

Q. Whether he has ever worked at the business before or not? A. Yes, sir.

Q. How long is it from the time he commences the work before he is expected to perform a full day's task? A. About three months.

Q. You may explain the system, the manner in which they progress from one step to another until they become, so far as your rules and regulations are concerned, men who are competent to do a full day's work? A. The man is assigned to the foundry, to the trade school; he remains there until he is competent to take hold of and competent to do his task and that is as a general rule three months; then he is put on half task, three-quarter task, full task.

Q. (Referring to book of rules.) Read that over and see how that corresponds with your present rules or regulations? A. No, sir; this appertains to the hollow-ware system at the time that was in existence.

Q. Is there any system of marking adopted in your department which will cause the inmate finally for failure to perform his task or perform his work properly there, finally to be punished? A. If he does not do his work; yes, sir; there is a system.

Q. There is a system of marking adopted which will finally lead up to a punishment in the bath-room for failure to perform his task? A. Yes, sir.

Q. That punishment might occur before the expiration of the three months? A. No, sir.

Q. Isn't he required to do a certain amount of work the first month? A. Not a certain amount.

Q. Isn't he accountable for a certain amount of imperfect work the first month? A. No, sir.

Q. Or the second month? A. No, sir.

Q. Nor the third? A. No, sir.

Q. Nor is there any mark made against him for any inability to perform any task which may be set for him during the first three months? A. No, sir.

Q. Suppose you should believe or think that he wasn't endeavoring to perform the work that was assigned to him? A. If he was loafing the officer would report him for loafing, or if he broke his pattern o. done some other thing carelessly he would be reported for that, or if he refused to do anything.

Q. Such reports might lead up to punishment? A. Certainly, if he gets enough of them.

Adjourned to Friday, February 2, 1894, 9 a. m.

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Friday, February 2, 1894.

The committee met pursuant to adjournment.

Edward Kennedy, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Were you at one time connected with the Elmira reformatory as an officer? A. I was.

Q. In what capacity? A. As a keeper.

Q. Were you acquainted with an inmate named George Ackerman, 1004? A. Yes, sir; I had a man by that name in my shop.

Q. What shop? A. Broom shop.

Q. He worked in the shop? A. He did; yes, sir.

Q. Were you present when there was an affray between Ackerman and Officer Beach? A. No, sir.

Q. Did you ever, upon any occasion, see Beach strike Ackerman in the mouth? A. I never did; no, sir.

Q. Upon any occasion? A. Never.

Q. At any place? A. No, sir.

Q. Did he ever strike him in your presence? A. No, sir.

Q. Upon the mouth or any other part of his body? A. Never in my presence.

Q. Do you remember the condition of Ackerman's teeth, whether any teeth were out? A. As I remember him his teeth were

decayed and kind of broke off; he was rather small, rather frail boy; a boy I should judge 18 or 19 years of age at that time.

Q. Do you remember one or more of the teeth were absent? A. It has been so long I couldn't say positive in regard to that.

Q. You do say positively that Beach did not strike him in the mouth and knock out one of his teeth? A. Never in my presence.

Q. What is your present occupation? A. Inspector of police.

Q. How long a time have you occupied that position? A. I have been in the police department ten years past.

Q. Any other occupation besides that? A. No, sir.

Q. Inspector of police in the city of Elmira? A. Yes, sir.

Q. When did your employment at the reformatory commence and when did it terminate? A. I came here in 1881 and I was here a little over two years; left here in 1883; as I remember him his teeth were decayed and rotted off; broken or decayed off.

Q. Do you remember whether they were broken off or decayed off? A. What I mean by the breaking of them off is by their decaying and pieces breaking off of them.

Q. Did you ever see any pieces that were broken off? A. No, sir; I only took it from the way I have my own teeth, and the way his teeth looked.

Q. Have you any distinct recollection as to what the condition of his teeth were further than that they were imperfect and had the appearance of being decayed? A. As I remember his teeth his teeth were decayed so that it showed the black, and you may call it worn out by the decay or broken off; construe it either way.

By Mr. Litchfield:

Q. In what way did you know the condition of his teeth? A. He very frequently came up to my stand.

Q. Was he a man who kept his mouth open? A. Most always laughing.

Q. So you could see his teeth readily and easily? A. Yes, sir.

Q. You never made any examination of his teeth as a dentist would make? A. Certainly not; it wasn't my duty.

Q. Nothing but a casual inspection? A. That is all.

Samuel Coles, being duly sworn, testified:

Examined by Judge Gilbert

Q. You are not an inmate of the Elmira reformatory? A. Yes, sir.

Q. When did you come to the reformatory? A. Twenty-fifth of February, 1893.

Q. From what place? A. New York city.

Q. For what offense? A. Grand larceny, second degree.

Q. You are now in the upper grade? A. Yes, sir.

Q. How long have you been in the upper grade? A. Five months.

Q. Do you know an inmate by the name of Murray, 5355? A. Yes, sir.

Q. What shop did Murray work in? A. He worked in the press-room and I worked in the composing-room.

Q. You both worked in the same department? A. Yes, sir.

Q. The printing department? A. Yes, sir.

Q. Do you know of Murray's being punished in the bath-room? A. Yes, sir.

Q. Do you remember Murray's death? A. Yes, sir; in the summer.

Q. How long was it before he died that he was punished the last time? A. Between four and five weeks.

Q. Do you know where Murray was between the time he was punished and the time he died? A. Yes, sir.

Q. Where? A. He was in the composing-room and the printing office.

Q. Up to what time before he died? A. Maybe a week; I won't say for sure because I don't know; I didn't take passing notice; that is all; I didn't know he was dead until I seen it in the Summary, because he stood beside of me for four weeks after he was punished in the composing-room setting type.

Q. That you state positively? A. Yes sir; I stood by the side of him; not exactly by the side of him but right behind him.

Q. Was he in the composing-room daily during working hours? A. Yes, sr.

Q. For a period of four weeks after he was last punished? A. Yes, sir.

Q. Did you at any time see his buttock after he had been punished? A. Yes, sir.

Q Do you know how long you saw it after he had been punished? A. That I couldn't say.

Q. What was the appearance of his buttocks at the time you saw them? A. It was all inflamed like he had been severely punished; looked like it was freshly done; it may have been two or three days; maybe a day; I don't know whether it was the same day.

Q. Any sore upon his buttocks? A. No; all the strap would leave I suppose; I didn't take very particular notice of it but it was red.

Q. Any blood? A. No, sir; I seen no blood.

Q. Where was this sore whatever you call it? A. On the fleshy part of his stern.

Q. How large was the sore? A. Just the same as a large strap would leave.

Q. Give the length or width? A. I couldn't say; it has been over eight months ago.

Q. A red spot? A. Yes, sir; large red spot.

Q. How many inches long? A. That I wouldn't say; I don't know.

Q. Give the number of inches? A. I couldn't.

Q. About how many? A. I couldn't say.

Q. You know what six inches is? A. Yes.

Q. Was this red place about six inches long? A. I guess it was.

By Mr. Litchfield:

Q. Was it as long as your hand from the wrist to the end of the fingers? A. I don't know; I wouldn't say for sure.

Q. Was it as large as half of your hand? A. The whole part of his fleshy part was all inflamed where he had been struck; I don't say all around up here but right on the stern where he would sit down.

By Judge Gilbert:

Q. How wide a space? A. I don't know what to say there, I didn't go to work and go up and examine him; it was only a passing glance I had of it; of course I stopped to look and see what it was when I went there.

Q. Where was he at the time? A. In the press-room.

By Mr. Litchfield:

Q. Which buttock was it? A. I think it was the right because he was standing that way, and I was passing this way.

By Judge Gilbert:

Q. Was the skin broken? A. No, sir.

Q. Do you know whether he had been sick before he was punished the last time? A. No, sir; he was in the press-room when I came here.

Q. Did you know he had been complaining or was sick before? A. Never heard him complain.

Q. Did you know he had a sore or abscess under his arm? A. Yes, sir.

Q. Do you know how long he had had it? A. No, sir.

Q. What was the size of that bunch? A. I couldn't tell you because he was setting type when I knew it; my back was to him and I heard him say to the foreman, "I can't work; there is a lump under my arm;" it was under his left arm.

Q. How long was that before he was punished the last time? A. About four or five weeks when he complained of that thing after he was punished.

Q. Did you hear him complain of anything of that kind before he was punished? A. He wasn't in the composing room for may be a week after he was punished; then he didn't say anything about that until three or four weeks after that; then he complained of his arm; he couldn't set type.

Q. When you were charged with the offense for which you were sent to the reformatory did you plead guilty? A. Yes, sir.

Q. What was your age at the time you were sent? A. Twenty years old.

Q. Has any report been made against you for lying or anything of that kind since you have been here? A. No, sir.

Q. Have you been in the third grade? A. No, sir.

Q. You were placed in the second grade and have advanced to the first grade and entered that grade about five months ago? A. Yes, sir; I have only been here eleven months.

Mr. White.—Paddled February 22, 1893; March, 7, 1893; April 28, 1893; to hospital May 30, 1893; died June 10, 1893.

Mr. Hoppe.—I would like to add to that he was transferred to hospital May 30, 1893, with pneumonia.

Martin Nagle, 4988, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Are you an inmate of the reformatory? A. Yes, sir.
Q. When were you sent? A. December 15, 1891.
Q. For what offense were you sent here? A. Larceny.
Q. From what place? A. New York city.
Q. Did you plead guilty? A. Yes, sir.
Q. What was your age at the time you came? A. Twenty.
Q. What grade are you in now? A. Upper first.
Q. Were you ever in the third? A. Yes, sir.
Q. For how long a time? A. Three months.
Q. What were you placed in that grade for? A. Loss of marks.
Q. In what? A. Demeanor and school.
Q. Were you acquainted with an inmate named Murray? A. Yes, sir.

Q. Did you see him at one time after he was punished? A. Yes, sir.

Q. Did you examine his back? A. No, sir; I didn't examine it; I just saw it.

Q. Where was he when you saw his back? A. He was in the bath-room taking a bath.

Q. What did you see? A. I saw his side was all red, pretty red.

Q. Which side? A. Back side.

Q. Right or left? A. Right across; all the way across.

Q. Do you mean across both sides? A. Yes, sir.

Q. How far up and down his back or legs? A. Just on his side; that is all; on his buttocks.

Q. Can you describe any more minutely than you have the apearance of his buttocks? A. No, sir.

Q. Did you see any blood? A. No, sir.

Q. Did you examine his clothes to see whether there was any blood on those? A. No, sir.

Q. Was the skin broken? A. Not as I saw; no, sir.

Q. You say it was red? A. Yes, sir.

Q. How did you come to notice it? A. I was monitor on the stand and he was taken a bath and he was staying in a few minutes longer than he should have stayed in and I called him out; he was standing up in the bath tub.

Q. When you saw him then he was entirely naked? A. Yes, sir.

Q. Did you see any sores or bruises upon him? A. He showed me a lump under his arm.

Q. Can you describe it? A. A round lump about that big.

Q. How big, size of a walnut? A. Of a walnut.

Q. Was it a running sore? A. No, sir; just a lump.

Q. How did you come to notice it? A. He showed it to me.

Q. What did he say? A. He showed me a lmp under his arm and said he was going to see a doctor, that he didn't know what was the matter with him.

Q. How long was that, as you understood it, after he had been punished? A. I don't know.

Q. Do you know long before you saw his back in the bath-room that he was punished? A. That was the same time he showed me the lump.

Q. Do you know how many days it was before that that he was punished? A. No, sir.

Q. Have you any idea? A. No, sir.

Q. Do you know in what department he was working at the time? A. Printing office.

Q. What department were you working in? A. Printing office.

Q. Did you all go to the bath-room together for the same purpose, to take a bath? A. Yes, sir.

Q. What do you know, if anything, with reference to this Murray being taken to the hospital? A. I know he was taken to the hospital some time after that.

Q. How long was it after you saw him in the bath-room before he was taken to the hospital? A. Three weeks, I guess.

By Mr. Litchfield:

Q. Have you ever been punished yourself in the bath-room? A. No, sir.

Q. When were you advanced to the first grade? A. Two months ago.

Q. When were you first spoken to in reference to what you know about Murray's case? A. About a week ago.

Q. Hadn't been spoken to before that? A. No, sir.

Q. With whom did you have a conversation in relation to your testifying here? A. Mr. Hoppe.

Q. That occurred a week ago? A. Yes, sir.

Mr. White.—On May 1, 1893, Nagle received a first-class report from Colonel Bryan, the charge being as follows: First sergeant and monitor in the printing office when called upon as a witness in a court-martial held on Friday last, lying concerning a charge made by Mr. Sample against him for talking at examination to Vance some time ago. He also lied by saying he did not remember at any time being seated near to Vance on examination night or any other night; afterwards, when questioned closely by Mr. Sample, admitted he had sat alongside Vance at different times. Across the face of the report is written: "Reduced to ranks. Fined three dollars."

William H. Utter, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Are you connected with the Elmira reformatory? A. Yes, sir.

Q. In what way? A. In the novelty works.

Q. How long have you been engaged in those works? A. About six years.

Q. Were you ever an inmate of the reformatory? A. No, sir.

Q. A citizen or resident of Elmira? A. Yes, sir.

Q. You have been employed in the reformatory during the last six years? A. Yes, sir.

Q. Do you recollect an inmate by the name of Quinn? A. Yes, sir.

Q. Did you see his buttocks at one time after he claims he had been punished in the bath-room? A. No, sir; I did not.

Q. Or see his back at any time? A. No, sir.

Q. He never showed his back to you? A. No, sir.

Q. And you never examined it? A. Never examined it and never saw it.

Q. Have you a distinct recollection in reference to the identity of this man Quinn? A. I know the fellow; he worked with me two or three years; I think he was in the woodturning class part of the time and the other part of the time on umbrella sticks.

Q. Do you know that he was chalked in, as it is termed, and required to go to the bath-room? A. I don't know where he went; I know of his being out of the shop.

Q. Do you know of his being chalked in? A. I can't say that I do.

Q. Did he ever complain to you he had been in the bath-room? A. No, sir; he don't talk to me under those circumstances.

Q. You don't talk with the men with reference to the manner in which they have been treated by the officials? A. No, sir.

Q. Nor listen to their complaints? A. No, sir.

Q. Did you ever see any marks or bruises upon this man indicating that he had been severely punished at any time? A. No, sir.

Burdett Spencer, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Are you connected with the Elmira reformatory? A. Yes, sir.

Q. In what capacity? A. Now I am on the floor taking visitors around; anything I am wanted to do.

Q. How long a time have you been connected with the reformatory? A. Seventeen years and a half.

Q. Substantially since it was opened? A. Yes, sir; I came here the first day it opened.

Q. Have remained continuously here from that time to this? A. Yes, sir.

Q. Did you know the inmate Parks? A. Yes, sir.

Q. Did you see him when he jumped from the gallery? A. I did.

Q. Will you describe it from the time he first came in sight until the time he was taken away after the injury? A. I saw him when he was up on the gallery just before he jumped off; he walked up about half down the gallery on the second gallery, put his leg over the railing, put the other one over, pulled up his coat that way and slid right off on his feet; broke both of his legs.

Q. Where were you standing at the time? A. At the lower end of the south block watching the lines as they passed in.

Q. Where you had full view of the occurrence? A. Yes, sir.

Q. Was there any officer near him? A. No officer near him; no officer on the gallery at all, I don't think; I didn't see any.

Q. Did you know of any officer being in pursuit of him? A. No, sir.

Q. Or any officer waiting for him in that locality or part of the prison? A. No, sir; I did not.

Q. After he struck the floor what occurred? A. They picked him up and took him up in the hospital.

Q. Who picked him up? A. I couldn't say, half a dozen, two or three officers took him up and carried him up in the old hospital; not where the hospital is now, but where the old hospital used to be.

Q. Do you know where Parks at this time was locked or confined? A. He was locked on the south wing.

Q. The same wing the gallery is on he jumped off of? A. Yes, sir.

Q. Do you know what tier of cells? A. I couldn't say; he jumped off of the second.

Q. Second or the third? A. Second tier, second gallery.

Q. Not the third? A. No, sir.

Q. He was opposite to the third tier of cells? A. Yes, sir.

Q. But was upon the second gallery? A. Yes, sir; third tier of cells.

Q. You don't recollect now where he was locked? A. I couldn't say where he was locked.

Q. Do you know where Keeper Samuel Meddaugh was at that time? A. I could not tell where he was.

Q. Did you see him just before or just after that? A. I don't remember seeing him.

Q. Do you know anything about this man having been lowered in grade just about that time? A. No, sir.

Q. You have stated fully all that you know about that particular occurrence? A. Yes, sir; I know he was transferred to Auburn afterwards.

Q. Can you state anything that you know or can you give any good reason which you know existed for the man jumping off in that way? A. No, sir; I do not know; I understood he said he he didn't want to work and he was going to cripple himself; that is only hearsay.

Q. Do you know where Officer Beach was at this time? A. Officer Beach, I wouldn't swear certainly but I think he was near the end of the galleries where we turn in the hall; I think

he was the one that went down and helped pick him up and take him up in the hospital.

By Mr. Litchfield:

Q. Do you know of any other such occurrence? A. One jumped off a short time ago.

Q. What tier did he jump off from? A. From the upper tier, third gallery; fourth tier of cells.

Q. What happened to him? A. He hurt himself so he died the next day.

Q. Do you know what the cause was? A. No, sir; he was laying in idle; after he turned out the bucket line he went up and jumped off; that is all I know about that.

Q. You don't know whether he was crazy or not? A. I don't know anything about that.

Q. You didn't know the man? A. I knew him by sight, that is all; I never spoke to the man.

Q. Any other occurrence of the kind that you know of? A. No; nothing of that nature; I didn't see the last man jump off; I saw him just after he jumped off.

Q. Did I understand you to say it was recently this last man jumped off? A. Yes; ten days ago, I guess.

By Judge Gilbert:

Q. Do you know anything about an underground cell in the vicinity of the boilers? A. I don't know of any underground cell.

Q. Do you know of any prisoner ever having been confined in any underground cell in that locality? A. No, sir; I know the place they call the underground cell that they are making a great go about; it was before the domestic building was put up there; it was where they throwed down coal for the boilers; after the domestic building was built they put steam pipes through there to go in the domestic building and there were some prisoners digging a hole through to come out in the sub-cellar to make an escape, and after that they put up those iron doors for safety; never used it for cell to my knowledge; a man never was put in there; throwed old rubbish in there; anything.

Q. Do you say those iron doors were not put up until after some prsoners attempted to escape? A. That opened right out doors then; it was right out in the yard.

Q. Were the iron doors constructed before the domestic building was constructed? A. No, sir.

Q. They were not constructed until after that building? A. After.

Q. Until after those walls from the side of this room were constructed? A. Those side walls were built where the coal chute hole was before the domestic building was put up.

Q. Are the side walls of stone or brick? A. Stone, I think.

Q. You say they were built before the domestic building was built? A. They were built for the coal chute; to put down coal; I wouldn't swear positive that was there; I know we used to throw coal down there for the boilers.

By Mr. Litchfield:

Q. Were you the man who went yesterday with Mr. Fanning and Mr. White to examine that? A. No, sir; Mr. Sample was the man; I let them out through the doors, but I didn't go out with them.

By Judge Gilbert:

Q. Were those side walls built before steam pipes were laid for the purpose of conveying steam from the boiler to the domestic building? A. I think those side walls were built before they put the steam pipes through.

Q. And before the domestic building was built? A. I think they were, but I won't swear positive to that.

Q. How long a time do you think they had been built before that? A. When they built the prison, I suppose; the domestic building they built the next year after the prison started.

Q. The domestic building was built very soon after? A. Little over a year before we occupied it.

By Mr. Litchfield:

Q. I understand you the coal was dumped down there? A. Yes, sir.

Q. How did you do it; did you dump the coal in that round space, or did you use a coal chute? A. Throw it right out the wagon in there.

Q. How did you get it from there to the boilers? A. The boilers were right over there.

Q. Didn't you have to carry it in? A. I guess they throwed it in with shovels; I guess it wasn't over ten or fifteen feet from the boilers; the boilers ain't in there now.

Q. The coal was left lying right where it was dumped? A. Yes, sir.

By Judge Gilbert:

Q In what capacity have you served here? A. I have been guard; was keeper in the shop; I worked around the halls; been on the guard-room floor, taking visitors around.

Q. That is substantially what you have been engaged in doing? A. Yes, sir.

Q. What have you to say with reference to the treatment which the prisoners generally have received from the superintendent and the officers? A. I can say if a man came here and behaved himself he got along all right; never was abused by the superintendent or the officers, as a general thing, if a man behaved himself.

Q. As far as you know? A. As far as I know; what I don't know I don't pretend to say anything about.

Q. Were you ever present in the bath-room when punishments were inflicted? A. I never was.

Q. Have you taken them back and forth from the bath-room to their cells? A. No, sir; that wasn't my business.

Q. Did you ever, upon any occasion, do it? A. I never took the prisoners; I have been down there and stood by the door when they were taken out the outside door.

Q. When they were taken from the bath-room to their cell? A. Yes, sir.

Q. Would you sometimes accompany them to their cells? A. I have locked them up some times.

By Mr. Litchfield:

Q. By outside door you mean the entrance to that hall; short hall? A. Yes, sir.

Q. Not in the main corridor? A. Not in the main corridor.

Q. You were not within fourteen or fifteen feet of the bath-room door at the time? A. Twenty feet.

By Judge Gilbert:

Q. While standing at the door that you refer to did you ever hear the inmates scream or holler? A. I have heard them make a little noise; yes.

Q. While receiving the punishment? A. Yes.

Q. Did you ever see their backs, their bare backs or buttocks as they came out? A. Only as they were partly dressed, as they had their pants up as they went along.

Q. Have you ever seen the blood flowing from any of them? A. No, sir.

Q. Either from their noses? A. No, sir.

Q. Did you ever see any bruises upon them? A. I have seen them where they may have a little black eye.

Q. Have you ever seen any other bruises than black eye or something of that kind? A. No, sir.

Q. On any occasion? A. No.

Q. Ever seen any abrasions of the skin? A. I never seen them only as they came out with their pants partly up and go right in their cells.

Q. Did you ever see any of them a few hours or short time after they received punishment? A. Yes.

Q. See their buttocks? A. Yes.

Q. See what the condition was? A. Kind of a red streak there; I never saw one where the skin was broke, but I have seen red streaks across.

Q. Black and blue? A. Yellowish green like.

Q. Since this place which they call a cell; since you have ceased to use it for a place for depositing coal, what has it been used for since? A. Nothing, only to throw a lot of old rubbish and things in there; that is all.

Q. Was there ever a prisoner confined in that place? A. Not to my knowledge there never was a prisoner confined there; if there was I didn't know it, and never heard of it.

Q. Where was it that you saw the buttocks of these inmates; in their cells or in the bath-room? A. In the bath-room.

Q. You sometimes had charge of the bath-room? A. I had charge of the bathing.

Q. Do you remember seeing this man Murray? A. I don't know the man at all; I couldn't identify the man.

George A. Richards, being duly sworn, testified:

Examined by Judge Gilbert:

Q. What is your occupation? A. I am a dentist.

Q. Do you know Dr. Ker? A. Yes, sir.

Q. Since he has left Elmira have you been the dentist that has usually attended here at the reformatory? A. Yes, sir.

Q. You attended to the inmates? A. Yes, sir.

Q. Has any inmate upon any occasion made any complaint to you that his teeth had been knocked out or broken off by blows received here in the reformatory? A. No, sir.

Q. Have you ever heard anything of that kind from the inmates? A. No, sir.

Q. Have you, at any time, been called upon professionally for the purpose of treating an inmate whose teeth had been evidently recently broken off? A. No, sir.

Q. Had been broken off a short time before you treated him? A. No; I don't remember of ever having such a case.

Q. Was there anything indicating that teeth had been broken off by violence? A. Not that I remember of.

Q. How long have you been attending patients as a dentist? A. I think it is about two years in the reformatory; little over two years.

Q. Do you mean to say you never treated an inmate whose teeth one or more of them had been broken off? A. No; I don't think I have ever treated anyone whose teeth have been broken off.

Q. Did you ever treat one whose teeth, the upper jaw, were perfect, intact, except one or two and those had been broken off? A. No.

Q. Or knocked out? A. It is very common to make plates; I have never seen any that had their teeth broken off to my knowledge.

August Von Haffen, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Where do you reside? A. I live in Elmira.

Q. Are you connected in any way with the Elmira reformatory? A. Yes, sir; I am instructor in the upholstery department.

Q. Were you present upon one occasion when they were moving the boilers in the reformatory? A. Yes, sir.

Q. Do you remember who was moving them? A. They had about eight or ten men.

Q. Were you in charge of that gang? A. No, sir; I was in the yard.

Q. Was present while they were engaged in work? A. Yes, sir.

Q. Was Mr. Brockway present? A. Mr. Brockway came out in the afternoon.

Q. Were you present during the entire time when Mr. Brockway was present? A. Yes, sir.

Q. Do you know a man by the name of Manly? A. Yes, sir.

Q. Was he present? A. No, sir.

Q. At any time when you were there? A. He was on Sunday, but he never was out there on Sunday.

Q. While Mr. Brockway was in the yard upon that occasion did you hear him say anything to the men that were employed on the boilers? A. No, sir.

Q. Did Mr. Brockway upon that occasion use this language in your presence, "Jesus Christ, you ought to have John Ennis out here to swear for you?" A. No, sir.

Q. Or anything like it? A. No, sir; the only words I heard that Mr. Brockway said, when Mr. Brockway came around with me, somebody said, "You fellows stop your talking; let one do

the talking; then we got there;" Mr. Brockway made a remark, "He means business;" that is all I heard Mr. Brockway say.

Q. You state positively that Mr. Brockway did not use the language that I have just stated in your presence? A. In my presence.

Q. Did you ever upon any occasion hear Mr. Brockway use to the inmates or to anyone else profane language? A. No, sir; I did not.

Q. Where were you when Mr. Brockway came there? A. I was standing at No. 1 shop.

Q. Did you go with Mr. Brockway? A. I went with Mr. Brockway.

Q. To where the men were? A. Yes, sir.

Q. Did you remain there with him until he left the men? A. Yes, sir.

Q. Did you come away with him? A. Yes, sir.

Q. Both together? A. Yes, sir.

Q. Were you standing near him the entire time? A. I was standing right alongside of him.

Q. How long a time were you there? A. Mr. Brockway was out there between ten and fifteen minutes.

Q. Then where did you and him go from there? A. He went back in.

Q. Did you know of his being out there again that time? A. He couldn't be out there; I must have seen him.

Q. Why must you have seen him? A. I was around the yard.

Q. It was your duty to act as guard in the yard during that afternoon? A. Yes, sir.

Q. Your position was such he couldn't have gone to that part of the grounds without your seeing him? A. Hardly.

Q. Were the men engaged in moving the boilers all inmates? A. Yes, sir.

Q. Do you know what officer was in charge of them? A. I think it was Tabor.

Q. Have you stated every word that you heard Mr. Brockway utter while he was out there? A. Yes, sir; every word that I heard.

Q. He didn't say anything more than what you have stated? A. No, sir.

Q. Which was that when someone was saying to one of the men engaged in moving it, ordering him or talking to him, Mr. Brockway said, "He means business?" A. Yes, sir.

Q. Those are the only words he uttered? A. Those are the only words I heard.

Q. Do you mean to say that you were so situated or your position or duties were such that Mr. Brockway could not have gone out there again or been there again that day without your knowing it? A. He couldn't be out there without my knowing it.

Q. Were there any angles or corners in the walls of the prison, etc., that you were required to pass around that would prevent you from seeing Mr. Brockway or anyone else going to the place where they are moving this boiler? A. I hardly think; I must have known if Mr. Brockway had been out there again and somebody would have told me.

Q. Were they moving this boiler in the yard where you were required to keep watch? A. Not exactly to keep watch for the men that were moving the boiler in there.

Q. I mean in the same yard in which you were stationed to look after? A. Yes, sir.

Q. The work was going on in that yard? A. In that yard.

Q. Did I understand you to say that you know that he could not have been there for the reason if he had been some one else would have told you; did you say that? A. Yes, sir.

Q. What do you say that you know someone else would have told you? A. The men working there if Mr. Brockway came out again and I wouldn't be there he would have told me.

Q. That is one of the reasons you give why you think Mr. Brockway wasn't there again? A. Yes, sir.

Q. Was Manly there? A. No, sir.

Q. Why do you say Manly wasn't there? A. I was the only man in the yard; Manly aint got no business there on Sunday.

Q. That was the reason why you say Manly wasn't present? A. Yes, sir.

Q. Do you distinctly recollect now that he was not there? A. A. Yes, sir.

Q. He wouldn't have had a right to go there if he saw fit? A. No; I don't think so.

Q. If he went there did he have to get a permit from anyone? A. He should have had; yes, sir.

Q. Did he have to get a permit from you? A. No, sir; from the guard-room office.

Q. Do you mean to say that officer wouldn't have given him a permit? A. I wouldn't say directly he wouldn't give him any; he wouldn't go out without his duty would bring him there.

John Bigley, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Are you connected with the Elmira reformatory? A. I am.

Q. In what capacity? A. Keeper.

Q. How long a time have you been keeper? A. About seven years.

Q. Continuously? A. Yes.

Q. Did you know an inmate named Walter E. Lewis, 4961? A. I do.

Q. Remember him distinctly? A. Yes, sir.

Q. Were you ever present in the bath-room when Lewis was punished? A. I was about a year ago.

Q. Were you ever present upon more than one occasion? A. Not in his case; no, sir.

Q. Do you remember when that was; what date? A. I can't give the date.

Q. Who was present at the time? A. Mr. Sample, Mr. Brockway; nobody else.

Q. Upon that occasion was this man Lewis thrown upon the floor? A. He was not.

Q. Or was he down upon the floor? A. He might have sunk down; something like that; he wasn't throwed down.

Q. Did he resist? A. Yes; in that way; he throwed himself down.

Q. Did the officer use force to compel him to submit to punishment? A. They raised him up.

Q. Upon that occasion did Mr. Sample, when this man was leaving the bath-room, throw him with such force as to send him against the iron ladder outside of the door? A. He did not.

Q. Did he throw him against an iron ladder either when he was taken to the bath-room or when he was sent away from the bath-room? A. He did not.

Q. During these seven years that you have been keeper, do you know how many punishments have been inflicted in the bath-room in your presence? A. I should say about fifty; I never was present a great many times.

Q. You can only recollect one occasion when you were present and Lewis was punished? A. I remember this case.

Q. That one instance? A. Yes, sir.

Q. Can you remember the particulars or details in reference to any other inmate that was punished in the bath-room? A. Not the details, because I never had them impressed on my mind.

Q. Was there anything connected with this punishment that impressed the details upon your mind? A. They asked me if I remembered this case.

Q. You have been asked in reference to this particular case and that has impressed the particulars upon your mind? A. Yes, sir.

Q. Why? A. Because I brought it to my mind; thought it over.

Q. Were the particulars stated to you? A. They asked me the question whether I ever saw this man kicked or struck, throwed down upon the floor in the bath-room, and I told them I didn't; I never saw it.

Q. You say he may have been upon the floor? A. He might have sunk down a little; he wasn't throwed down; he relaxed himself.

Q. You say he may have been upon the floor; he may have sunk down? A. May have sunk down upon his knees.

Q. He was not thrown down by any of the officers? A. Not thrown down or knocked down.

Q. Did they attempt to put the shackles upon him when he was upon the floor? A. No, sir.

Q. Was he shackled at the time? A. No, sir.

Q. Or drawn up to the window? A. No, sir; not in my presence.

Q. Was he struck over the head upon that occasion with the strap because he wouldn't stand up or for some other cause? A. I can't remember as to that; I don't think he was; I can't say positive whether he tapped him in the face with the strap or not; I don't think he was.

Q. What you wish to be understood as saying is that you are positive he was not thrown down upon the floor? A. I am positive.

Q. Nor kicked or struck with anything except the strap? A. Yes, sir.

Q. Did you ever see any one of the inmates of these fifty struck across the face or over the head with the strap? A. I have seen, I should say, two or three out of that fifty; not over that.

Q. Did you notice whether the blows were of sufficient force to cause bruises upon their faces, black and blue marks? A. I never noticed them particularly; there might have been a little black spot or reddish spot very short time; it didn't take only a minute.

Q. In a minute or two after the blow was received you would discover that discoloration? A. There might be on the side of the forehead.

Q. Did you ever see any that were struck across the face with the strap with such force as to cause the nose to bleed? A. I never have.

Q. Do you mean to say you never, upon any occasion, so far as these fifty are concerned; never saw any of them thrown upon the floor? A. No, sir; I never saw a man thrown upon the floor.

Q. Or saw him upon the floor when the shackles were put upon him? A. I never saw any man strung up.

Q. Did you ever see any shackled? A. Not in the bath-room.

Q. Did you ever see any of them receive punishment while shackled? A. No, sir; I never saw a man punished in that way.

By Mr. Litchfield:

Q. You never saw a man handcuffed in the bath-room? A. No, sir.

Q. Did you ever see a man faint or feign fainting while in the bath-room? A. No, sir.

Q. Did you ever see more than this one that fell on his knees or dropped down? A. Yes, sir; I saw a number sink down.

Q. When they were being punished? A. Let loose of the window-sill and drop down; not stay up properly.

Q. How many out of the fifty? A. I should say half a dozen.

Q. When they cried what did you do? A. Help raise them up and put them back to the window-sill.

Q. And hold them there if necessary? A. I never held any there; the principal keeper generally done that.

Q. Who were the officers usually with you? A. The principal keeper, Sample or Mr. Winnie, and the superintendent; nobody else.

Q. Did you ever see either of these strike or kick a man? A. I never did.

Q. Do you recollect any occasion when you were present as an an officer assisting when there was more than one other officer besides the superintendent present? A. Only two of us besides the superintendent.

Q. When you were there there would only be one other officer? A. One other officer.

Q. Do you remember any occasion when both Mr. Winnie and Sample were there with you? A. I do not.

Q. Or Halpin or either of the others? A. I never was there, I think, with Halpin.

Q. Upon all of these occasions that you refer to when men dropped down after receiving a part of the punishment, and they were placed back again, were they able to stand without being aided by the officer? A. I think they were able to stand; they did stand after being raised up.

Q. Without the officers held them up? A. He would hold them up there for four or five seconds and then let loose of them.

Q. Then would they stand themselves? A. They would stand themselves.

Q. After that did the same man, while he was receiving that particular punishment drop down again, and the officers lift him up the second time? A. I never remember a second time.

Mr. Babcock.—This man Lewis testified he was in the bath-room about sixteen times and was punished twelve or thirteen times. The record shows that he was spanked nine times: February 15, 1892, F blows; February 29, 1892, K blows; April 16, 1892, H blows; October 7, 1892, D blows; October 19, 1892, H blows; October 31, 1892, L blows; December 2, 1892, D blows; December 28, 1892, H blows; January 3, 1893, L blows. He had testified that he was struck many more blows than the record shows he received; is the reason I put it in detail.

Mr. White.—I would like to add to the record he was only 17 years of age when he was received November 28, 1891.

Oren W. Lakey, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Are you connected with the .Elmira reformatory? A July sixth last.

Q. In what capacity? A. I am employed in the store-room.

Q. In charge of the store-room? A. Not direct charge; I am assistant in the store-room.

Q. While in the discharge of your duties there, what opportunity if any, have you had to see the inmates? A. No opportunity only in seeing them go in the bath-room, or in the hall that leads to the bath-room, and when they came out I was on the outside of the door generally in the hall.

Q. Between July first or the time when you commenced work and the first of September, 1893, did you see or notice any inmate as he came out of the bath-room that had bruises upon him indicating that he had been severely punished? A. None whatever.

Q. Never saw one with black and blue eyes? A. Never.

Q. Or any bruise of any kind upon him? A. No, sir.

Q. Or any inmate whose nose was bleeding? A. Never saw anything of that kind.

Q. Or who had upon his face or head an abrasion of the skin or scalp? A. Never.

Q. Nothing of the kind? A. Nothing of the kind.

Q. Did you ever see the buttocks of any just as they came out of the bath-room? A. No, sir.

Q. Or notice what the appearance was after punishment had been inflicted? A. How do I understand you in regard to the appearance?

Q. Did you notice how they appeared? A. Of course I noticed how they appeared as they came out of the door and passed through the hall to their cells they would generally have assist-

ants there when the punishment went on and when the parties were brought out of the hall they were assisted or escorted to their cells, and I never saw any but what were perfectly able to walk and go to their cells in the regular manner; of course, the assistants would take them by the arm and lead them along.

Q. Did you ever see more than one assistant accompanying then? A. No, sir; not that I know of.

Q. Do you say positively there never was any occasion when more than one assistant accompanied the inmate from the bath-room to the cell? A. Not to my knowledge and I think I am pretty positive in that respect that I never saw more than one assistant assisting them to the cell.

Q. Were you near enough to the bath-room to hear anything that was said or any noise that occurred while the inmate was being punished? A. I was on one occasion inside the store-room on the west side; that was along when I first came.

Q. What, if anything, did you hear them say? A. Nothing only the usual correction or conversation they had in there; it was through two doors; the doors were generally closed.

Q. You could hear a conversation but could not hear what was said? A. No, sir.

Q. Did you ever hear any of the inmates cry or holler? A. No, sir.

Q. As the inmates would pass you what did you notice with reference to their appearance whether they had been crying or were crying? A. Some of them had the appearance as though they had been crying; I didn't notice anything else particularly in regard to it.

Q. When you use the word "assisted" you mean, as I understand it, that the officer took him by his arm or led him to his cell as you stated before? A. Yes, sir.

Claude F. Bryan, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Are you connected with the Elmira reformatory? A. I am.

Q For what length of time have you been connected with it? A. I have been here since October, 1889, a little over four years.

Q. In what capacity? A. As military instructor.

Q. Have you any official title? A. Military instructor and disciplinary officer.

Q. Are you a graduate of West Point? A. No, sir

Q. Ever attended West Point? A. Three years at West Point.

Q. From there you came to this institution? A. I spent a year teaching in Devoe college before I came here.

Q. After that you came here? A. Yes, sir.

Q. Have you been continually engaged here from that time to this? A. Yes, sir.

Q. When charges of a serious character are made against inmates you are a member usually of the court-martial that investigate the matter? A. I am; yes, sir.

Q. Do you remember the charges that were made against certain inmates that were transferred to Auburn prison, some forty or fifty of them, for improper conduct? A. Yes, sir.

Q. Do you remember an inmate by the name of Facey? A. I do.

Q. That he was one of the inmates that gave evidence against the parties accused? A. Yes, sir.

Q. Will you in your own way state what occurred at the court-martial of the manner in which the court-martial was conducted? A. Do you wish me to state the members of the court or briefly the manner of obtaining the testimony?

Q. Tell us how the court was organized, how it proceeded, etc., and how you arrived at the result? A. The court consisted of Mr. Hoppe, Lieutenant-Colonel Halpin, Professor Van Etten and myself; Mr. Hoppe was the judge-advocate of the court and myself as president; we assembled for this investigation and had brought before us the various witnesses and questioned each one separately, and as fast as the testimony came in against different men we would note it down and send for other men who were questioned incidently while this witness was giving his testimony and when we had accumulated against any one person one, two, three and sometimes four or five charges we would bring that individual in.

Q. Do you mean by charges, distinct evidence, or do you mean statements of one, three or four witnesses, positive statements? A. In most instances it was the statement or confession of the man who was implicated with the one charged; we would then bring in the accused, and in most instances he confessed his guilt; in other cases it was denied, but in no instance, at least so my recollection is now, did we bring any one in who had been so charged unless there was sufficient evidence given out in the course of our investigation to convince all of us that the man was guilty; then we brought him in and questioned him about it; there were a few cases where it was denied; these were later confronted by their accusers.

Q. Will you state, as far as you can recollect, the names of those who when they were brought in before you, denied the charge? A. I can not now give you the names of the men; there were a number of them and that is some time ago, and I

have not refreshed my mind as to the names of the men who were confronted; I can simply outline to you the case; the testimony as we obtained it was later in detail submitted to the superintendent for his approval; I can't go into any detail because I can't remember; there are so many of the cases that I can't remember the circumstances connected with any one individual man unless his name was brought to my attention; then I might possibly recall it.

Q. Have you given us substantially an outline of the manner in which the court was formed and the manner in which it conducted its proceedings? A. What I have just now stated.

Q. Was a record made of your proceedings? A. Mr. Hoppe took down the statements of the men in detail, or enough so that we could all go over it later.

Q. He didn't have a stenographer? A. We had no stenographer except Mr. Hoppe.

Q. He acted as clerk or secretary? A. Yes, sir.

Q. And took down the important parts of the evidence and the proceedings? A. Yes, sir.

Q. Also your findings? A. Yes, sir.

Q. That record, so made, as you understand it, was presented to the superintendent? A. Yes, sir; I know it was.

Q. How long were you engaged in that investigation? A. About a week, I think.

Q. Had you a fixed hour for meeting each day; that is, a stated hour? A. No, sir; as soon as we could all get together in the morning we proceeded to continue our investigation, and it lasted sometimes until late at night.

Q. In what part of the reformatory was it held? A. In that portion where the reception cells are stationed, underneath the hospital.

Q. Did all the members of the court attend at each hearing? A. Yes, sir.

Q. Was any evidence introduced except what was heard by a full court? A. Not to my recollection.

Q. As I understand it this all occurred before any inmate, any of the accused inmates had been arrested on the charge? A. I don't understand what you mean by "all occurred."

Q. I mean your proceedings terminated, and the matter had been submitted to the superintendent before the inmate was arrested under the charge and locked up? A. No; not at all.

Q. At what stage of the proceedings would A, for instance, who was charged with this licentiousness, be arrested and locked up? A. As I stated to you once before, when we had accumulated or had heard enough testimony to convince us that we were

justified in locking A up; we would then question him, and, as I also stated before, as a rule, the accused confessed his guilt; we then locked him up in one of the cells on the south block, so he would be secluded from the other men until after we had submitted the testimony to the superintendent and he finally acted upon the matter.

Q. You then arrested him and locked him in one of the solitary cells? A. No, sir; I said one of the cells on the south block, not a solitary.

Q. Would he be put in chains? A. No, sir; simply the freedom of his room, but confined in his room.

Q. Until the superintendent had passed on his case? A. Yes, sir.

Q. And so you proceeded until the whole matter had been investigated? A. Yes, sir; but understand me, a few of the men were placed in the solitary cells, not chained down or chained up; we only have eight solitary cells and the object was simply to seclude those men from the other prisoners; we first filled up those rooms; then we utilized the rooms on the south block.

Q. Suppose you came to the conclusion, either from the evidence produced, or from the confession of the inmate, that he was guilty then he was locked in the solitaries until the solitaries had been filled? A. Yes, sir.

Q. The balance were located up in some other part of the reformatory? A. Yes, sir.

Q. The conclusions which you came to so far as you were concerned, did you endeavor to arrive at a fair, honest conclusion of the matter? A. Yes, sir.

Q. So far as you could conscientiously discharge the duties imposed upon you as a part of such court? A. Yes, sir.

Q. In each instance? A. Yes, sir.

Q. Did all the members of this court concur in the findings relating to each of the inmates that were condemned at that time? A. Yes, sir.

Q. Were there any acquittals, any of the inmates that were charged that were acquitted upon this investigation? A. Yes, sir.

Q. About what per cent of those that were charged were found to be innocent by the court? A. As I remember now there were six or eight out of perhaps thirty who were charged who were found innocent.

Q. The whole number were required to appear, or could have been required to appear before the court? A. Yes, sir.

Q. Of the whole number that were charged of having committed this offense about six or eight were found, upon investigation, to be innocent? A. To the best of my knowledge now.

Q. Do you remember an inmate that was brought before you as a witnessby the name of Facey? A. I do.

Q. What is your recollection as to whether he was willing or unwilling to make statements before your court when first called before you? A. I remember his case distinctly, because he was not only unwilling but obstinate also in his manner before us; before this man was brought up in the matter at all we had had sufficient evidence from other inmates concerning this man to cause us to believe he was guilty, and when he was brought in and questioned he was obstinate and sullen, absolutely refused to give us any information; he was then locked up, at least so I recollect it now, and was later given another opportunity to tell us truthfully what he knew concerning the things we questioned him, and he again was obstinate and refused to answer our questions; he was then taken before the superintendent and spanked for obstinancy, at least that is what I recollect now, was brought back again and then he made statements or confessions to us which corroborated the statements we already had from other witnesses independent of him.

By Mr. Litchfield:

Q. Did he acknowledge his guilt when he was first brought before you? A. No, sir.

Q. Did he deny it? A. He did.

Q. The second time he was brought before you did he acknowledge his guilt; was he brought twice before you and remained sullen and obstinate each time? A. Yes, sir; as I remember it.

Q. The second time he refused to acknowledge? A. Yes, sir.

Q. Did he deny his guilt the second time also? A. Yes, sir.

Q. Did you ask them if he had any accomplices? A. We questioned him fully and carefully.

Q. He denied having any? A. Some would make no statements.

Q. He didn't deny? A. He did deny; as I remember he said "I deny; I have nothing more to say."

Q. He denied the whole tranaction? A. Yes, sir.

Q. It wasn't until after the interview in the bath-room with Mr. Brockway when he was spanked that he finally confessed? A. As I remember now.

Q. He then acknowledged all you had charged him with? A. We hadn't stated to him what we already knew; we simply wanted to get his statement independent of the others; we didn't mention to him so and so charged; mentioned no names to him at all; our object was to obtain the truth, and we didn't

ask any leading questions that would give him any clew as to any particular man that he knew about in relation to him.

Q. After he had refused to admit his guilt or to give evidence against others I understand you to say that he was taken to the superintendent? A. Before the superintendent; yes, sir.

Q. Did he there refuse to admit or did he there deny that he was guilty? A. I wasn't present.

Q. You don't know what occurred? A. No, sir.

Q. Were you present at any time when he was in the bath-room? A. No, sir.

Q. So that you know nothing about the punishment that was inflicted upon him there? A. No, sir.

Q. All you know is that upon the different occasions when he was brought before you before he was punished he denied that he was guilty? A. Yes, sir.

Q. After he was punished then he admitted his guilt? A. Yes, sir.

Q. You don't know how many times he was punished? A. I do not.

Q. How many blows he received? A. I do not.

Q. Or whether he was punished more than once in the same day? A. I know he was only punished but once; at least that is my recollection.

Q. Do you know that he was taken to the bath-room two or three times? A. No; I don't know that; I know he was taken to the bath-room once.

Q. And then taken before your board and he still denied: A. That isn't my recollection; he was taken to the bath-room once and was then brought down before us and he then made his confession.

Q. Do you know how many times he was actually taken to the bath-room before he finally admitted his guilt? A. I don't know; no, sir.

Q. You don't know whether he was punished more than once or not of your own knowledge? A. Of my own knowledge; no, sir.

Q. Do you remember who the inmates were that Facey's evidence mainly related to? A. Not now; no, sir.

Q. Have you seen the record that was made at that time since the court-martial? A. No, sir.

Q. Do you know whether it is in existence or not? A. I don't know.

Judge Gilbert.— Have you the record, Mr. Hoppe; the minutes of the proceedings?

Mr. Hoppe.— There were no minutes of the proceedings taken except the essential points.

Judge Gilbert.— I refer to this court-martial, and, as I understand the witness, you kept minutes.

Mr. Hoppe.— Just memoranda of the essential points.

Judge Gilbert.— Statements made by the various witnesses?

Mr. Hoppe.— By the various witnesses.

Judge Gilbert.— Are those original minutes in existence?

Mr. Hoppe.— No, sir; they were type-written; the points were afterwards grouped under the different men.

Judge Gilbert.— Are those original type-written minutes preserved?

Mr. Hoppe.— They are.

Judge Gilbert.— When were they made?

Mr. Hoppe.— Made at the time.

Judge Gilbert.— Those are in existence?

Mr. Hoppe.— They are in existence.

Mr. Gilbert.— Will you produce them before the hearing closes?

Mr. Hoppe.— I think I can if I can get all the names of the men. Give me the names; our record would show. I can't recall all the men who appeared at that time. A record was made in reference to each case and filed with that man's papers.

Judge Gilbert.— As I understand this matter, perhaps, it isn't worth while to lumber up the records with a copy of those entire proceedings, but there are certain inmates that were transferred to Auburn prison who came before the committee and gave evidence, some four or five of them.

(Examination of this witness suspended for the present.)

Orlando C. Wolf, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Were you ever connected with the Elmira reformatory? A. Yes, sir.

Q. In what capacity A. In pretty near all of it; I was first a guard.

Q. When did you first commence service here? A. Eighteen hundred and seventy-seven.

Q. What time did your services terminate? A. Eighteen hundred and eighty-six, I think.

Q. You served here continuous? A. Yes, sir.

Q. In what capacity? A. I was guard, keeper; I got in the shop, was kept in the shop for a long time, and in the yard.

Q. In the performance of your duties here was it necessary for you at any time to be present when inmates were punished in

the bath-room? A. I was there some two or three times I think was all.

Q. During the entire nine years? A. Yes, sir.

Q. As I understand it you are not subpoenaed here by the defense but you volunteered to come upon the stand to give evidence? A. I told them if there was anything I could do, that they wanted to find out, I would come.

Q. Were you subpoenaed by the prosecution? A. I believe so.

Q. Did you obey the subpoena? A. Nobody called for me.

Q. You didn't appear? A. I left word here if they called for me to let me know and I would come up; I didn't want to sit around too long.

Q. During that entire time, I am requested to ask you, if any complaint was ever made to you by any inmate with reference to the manner in which he had been treated by the superintendent or the officers? A. Nothing special; no.

Q. Anything generally? A. No; an everyday occurrence.

Q. What was an every day occurrence? A. Some would naturally find fault, sometimes of unjust marking, something like that; it was always corrected.

Q. Ever any fault found or complaint made to you inreference to the punishment in the bath-room? A. No, sir.

Q. Did you ever see any bruises or abrasions of the skin that were made in the bath-room? A. Small one.

Q. Where usually did you see them, what part of the face? A. Not on the face; I never saw any on the face; I saw some on the behind.

Q. On their buttocks? A. Yes, sir.

Q. What did you see there? A. Marks probably caused by a strap.

Q. Describe them? A. I should think probably two or three inches wide, run across their buts, part way across.

Q. What was the color? A. Red.

Q. Any other color? A. No other.

Q. Never saw any black and blue? A. I can't say black and blue, would be between black and blue.

Q. Did you ever see any of the inmates have black and blue eyes? A. No.

Q. Not any of them? A. Not to my recollection.

Q. Do you say there were none? A. I didn't see any to my recollection.

Q. Did you ever see any with abrasions on the face or upon the scalp or head? A. No, sir.

Q. Did you ever see any of the inmates that had been punished in the bath-room come from the bath-room with their nose bleeding? A. No.

Q. Did you ever see blood in the halls or corridors? A. No, sir.

Q. Ever assist in cleaning up the bath-room or halls when blood was found upon the flagging? A. No, sir.

Q. What have you to say with reference to the manner in which Mr. Brockway treated the inmates generally? A. I think he treated them all right; correctly.

Q. Did you ever hear Mr. Brockway use any profane language to the inmates? A. No, sir.

Q. Upon any occasion? A. Not to my recollection.

Q. Were you employed in any particular department here? A. Yes, sir; I was in the hardware department; hollow-ware department.

Q. For how long a time? A. About two years.

Q. Have charge of men there? A. Yes, sir.

Q. Did you have a very good opportunity of seeing the men daily? A. Yes, sir.

Q. Going to and from their work? A. Yes, sir.

Q. Passed you frequently in the corridors? A. Yes, sir.

Q. See them at their meals? A. Yes, sir.

Q. Going to and from their meals? A. Yes, sir.

Q. Going to and from their military drills? A. Didn't have any at that time.

Q. You say during the entire time, with the exception of the marks you have referred to upon the buttocks of the inmates, you didn't see anything that indicated they had been severely punished? A. Not severely.

Q. That they had bruises upon them indicating they had been severely punished? A. No, sir.

Q. Were you present at one time when an inmate was killed by another, or when one of the inmates was killed in your department by another inmate? A. I was on the hall at that time.

Q. You didn't see it? A. No.

Q. Were you at one time subpoenaed by the prosecution as a witness in this investigation? A. Yes, sir.

Q. Were you handed a copy of the subpoena? A. I think I was.

Q. And paid your fee? A. Yes, sir.

Q. Specifying the time when you should appear? A. Yes, sir.

Q. Did you appear? A. I didn't appear up here.

Q. You were subpoenaed to appear at the reformatory? A. Yes, sir.

Q. To give your evidence? A. Yes, sir.

Q. You say you did not appear? A. Not up here; I left them word here if I was called for to let me know, and I would come right up.

Q. Didn't you state to Mr. White, or Mr. Roeder, in the presence of Mr. White, that you did not want to appear as a witness against the reformatory for the reason that you were engaged in business in the city of Elmira and that if you did appear as a witness against the reformatory it would interfere with your business? A. No, sir.

Q. Or anything to that effect? A. I don't remember saying any such thing in that way; I told them I didn't want to appear up here; I told them I couldn't do them any good whatever if I came up here; I says: "I can't do you fellows any good."

Q. Didn't you say that, in substance, that you didn't want to appear here as a witness against the reformatory for the reason it would interfere with your business? A. No, sir.

Q. You say you didn't say anything of that import? A. No, sir.

Q. I am requested to ask how it is you come now before the committee? A. I was willing to come at any time it was necessary.

Q. Has any one subpoenaed you to come up here now? A. I don't know whether they subpoenaed me or not; they told me to come up; they wanted me to come, and I told them I would come; I left word with Mr. Peters; he was coming up here every day; time my name was called to let me know and I would come up.

Q. Mr. Peters is a member of the board of managers? A. Yes, sir.

Q. What is your business? A. Hardware and grocery merchant.

Q. You say you were present when two or three of the inmates were punished in the bath-room? A. Yes, sir.

Q. Do you recollect the names of those inmates? A. I don't now.

Q. Can you name any one of them? A. I don't think I can.

Q. Can you tell us how it came you were present? A. Yes, sir; I was in the hall; I was doing duty around the hall at that time, and I went in there to assist them.

Q. At the request of some of the officers? A. Superintendent.

Q. When was that; what year? A. I can't tell you that.

Q. Do you know what the inmate was punished for? A. Yes, sir.

Q. What? A. Refusing to work.

Q. Were each of them punished for that? A. Yes, sir.

Q. The three cases you refer to were cases where the inmates refused, or it is alleged they refused, to work? A. Yes, sir.

Q. Do you know how many blows they received? A. Perhaps three or four, somewheres along there; I think it was about four or five; I won't be positive.

Q. Did either refuse to stand up and take the punishment? A. No.

Q. When ordered to take the proper position they obeyed the order? A. Yes, sir.

Q. Received the punishment and were taken out of the room? A. Yes, sir.

Q. Nothing unusual occurred? A. No, sir.

Q. Were they struck over the head or across the face with the strap? A. No, sir.

Q. All you know about it they were punished because they refused to work and received each about three blows, or four, or five blows? A. Yes, sir.

Q. Did you have charge of the bath-room, cleaning out and seeing it was kept in order? A. No, sir.

Q. Or the halls or corridors leading to it? A. No, sir.

Q. Did you upon any occasion see when the inmates were being paddled that they had any evacuation of the bowels or anything of the kind? A. No, sir.

By Mr. Litchfield:

Q. You have stated that you were subpoenaed some time ago? A. Yes, sir.

Q. Did the subpoena state the time and place, I think you have also stated that? A. I can't tell now.

Q. The place was here at the reformatory? A. I believe it was.

Q. Yet you did not attend? A. I didn't come up here.

Q. Who excused you from appearing here? A. I don't know that arybody did.

Q. Who did you apply to to be excused from attending? A. Nobody; only I left word with Mr. Peters if my name was called to let me know.

Q. Do you not know when you are subpoenaed by this commission and you neglect or refuse to obey that subpoena you are in contempt of court and can be punished for it? A. I didn't know that I was refusing.

Q. For your neglect to appear in obedience to the subpoena of this commission you are in contempt of court? A. I didn't know that I refused in any way at all.

Q. Do you know if you neglect to appear you are in contempt of court? A. No, sir; not in this case; I know there are cases in court.

Q. This commission has full power to compel the attendance of witnesses and to compel answer, and I would advise you not

to let that occur again in case you should be subpoenaed in this investigation.

By Judge Gilbert :

Q. Did you hold yourself, after you were served with a subpoena, in readiness to appear before the committee and give evidence whenever you were requested or invited that your attendance was needed? A. Yes, sir.

Q. Did you ever upon any occasion or to anyone refuse to attend? A. No, sir.

Dr. Edmund A. Reilly, being duly sworn, testified:

Examined by Mr. Stanchfield :

Q. You reside in the city of Elmira? A. Yes, sir.

Q. Your occupation and profession? A. Physician and surgeon.

Q. Have been practicing that for how many years? A. Thirteen years.

Q. You have been one of the coroners of the county? A. Yes, sir.

Q. The health officer of the city of Elmira? A. Yes, sir.

Q. Have you frequently been called here in the absence of Dr. Wey, and in conference with him to attend inmates in the reformatory? A. I have.

Q. During what period of years? A. Perhaps for the last eight years.

Q. About how many times would you say you had been to the reormatory during the past eight years? A. Perhaps a hundred times; about a hundred times.

Q. Do you remember being called here upon one occasion to examine a man by the name of Maloney, that had died in his cell? A. Yes, sir.

Q. About October, 1889? A. I was taking charge of the reformatory during the absence of Dr. Wey at that time; I saw him both before and after death.

Mr. Litchfield.— I told the judge this morning that I should insist upon the rule that all questions should be asked by the judge-advocate.

Mr. Stanchfield.— I will state the judge-advocate requested me to ask these questions and I did it at his request.

Mr. Litchfield.— The judge-advocate forgot that I told him this morning that I should insist upon the observance of the rule.

Judge Gilbert.— That is all true. I suppose, in the first place, that the chairman made the statement he did in consequence

of a little misunderstanding that occurred here yesterday and I suppose that the request was made by Mr. Stanchfield to examine the witness and permission was given by me because of the liberality that I have extended to this side all the way through,

By Judge Gilbert:

Q. Did you perform an autopsy upon his remains? A. Yes, sir; I assisted in an autopsy.

Q. Who assisted you? A. Dr. F. W. Ross.

Q. What did the autopsy disclose; what did you find was the cause of this man's death? A. We found pleuritic adhesions, the pleura attached to the lung surface showing former inflammations and a roughening of the valves of the heart, what is called the mitral valves.

Q. What, in your opinion, was the cause of his death? A. I think pleuritic adhesions and mitral roughening; that is, heart trouble; a heart trouble and lung trouble.

Q. In short, he died because he had heart disease and a lung disease? A. Not exactly a lung disease; it is interference with the functions of the lungs; the pleura was fastened over an old inflammation and it interfered with the respiration; it doesn't give the same capacity as it would if free.

Q. Anything the matter with the heart? A. Yes, sir; I would say valvular disease of the heart; it is the way it is often written in death certificates; valvular disease of the heart; it was a very slight roughening.

Q. The heart appears to act as a pump? A. Yes, sir.

Q. Did you see this man frequently before his death? A. I couldn't say frequently; I haven't a recollection now how long I took charge of the reformatory at that time, but I remember distinctly seeing him the day previous to his death; he consulted me.

Q. Upon that consultation what did you say to him in reference to his being able to work or anything of that kind? A. I believe he was able to perform his duties.

Q. You so informed him at the time? A. Yes, sir.

Q. Do you recollect whether he did work that day or not? A. I don't remember whether he went out or not; my orders were he should go out.

Q. As you recollect it he did die that night? A. Yes; or else the next morning; I think perhaps it was along towards morning; before I saw him again he was dead.

Q. What time in the day did you see him the last time you saw him alive? A. I should think it was between 10 and 12 o'clock, the usual time of coming up here.

Q. Where was he at the time? A. In his cell.

Q. Do you know whether he went to his work after that or not? A. I couldn't say he did; I ordered it so.

Q. To whom did you give the orders? A. To the steward; I always have a little slip of paper and it says "out" on it; that means he is fit to go out.

Q. What time in the morning did you arrive at the reformatory? A. About 10 o'clock was my usual time.

Q. That morning? A. I couldn't tell positive that morning; I should think about 10 o'clock, from my usual practice.

Q. What time did you usually leave here? A. Anywheres from one hour to an hour and a half afterwards.

Q. So that you would return to the city about 12 o'clock? A. About that.

Q. Was it usual for you to visit the reformatory more than once a day? A. Not usual.

Q. Did you that day? A. No, sir.

Q. As I understand you, there was no other physician whose duty it was to attend to the inmates of the reformatory except yourself? A. At that time.

Q. There was no one upon whom an inmate could call for medical aid when you were absent at that time; that is, in the reformatory, except the hospital steward? A. That is all.

Q. Was he a physician? A. I think not; you mean residing in the reformatory?

Q. Yes? A. There was an understanding I was to be sent for immediately if anything was wrong.

Q. Don't you recollect that you were sent for that night, that a dispatch was sent to you, or information was sent to you as the reformatory physician to come to the reformatory? A. I don't recollect it.

Q. Will you say you did not receive such notice? A. I would; yes, sir; I have no recollection of it.

Q. What time did you come up the next morning? A. I recollect, or think I do, that I was sent for on account of this man's death pretty early, somewhere about 7 o'clock I think I was notified that there was a man dead in a cell, at the time I didn't know who until I got here.

Q. As soon as you found that an inmate was dead did you notify, or have someone notify the coroner? A. Always do.

Q. Did you hold as soon as convenient and proper a coroner's inquest? A. Yes, sir.

Q. This autopsy was one that was made at that inquest? A. Yes, sir.

Q. Was there any record made of the finding of the conclusion or the conclusion which the coroner arrived at? A. I think the coroner attended to that — you mean filing his report?

Q. Yes? A. I think so.

Q. Do you know what the cause of death was? A. Pleuritic adhesions and mitral trouble; I think that must have been it because that was the testimony of the physician holding the autopsy.

Q. Was the nature of the disease such that you could readily ascertain whether or not he ought to go to his work? A. I did not discover he had this heart trouble; I didn't diagnose it, neither did I know that he had adhesions; it is difficult to tell that previous to death; I was just as much surprised the next morning when I came up here and found that man dead as to hear you were dead to-morrow morning; I think the first thing I said to principal keeper, "Who is it is dead?" He says, "Maloney, the man you sent out;" I says, "The devil, that can't be possible."

By Mr. Litchfield:

Q. You haven't ascertained all these facts until you made the autopsy? A. No; it couldn't be possible for a man to have that roughening and a physician not be able to detect it.

By Judge Gilbert:

Q. Could his life have been prolonged if a physician had been present when the first manifestation of severe symptoms had been seen? A. I doubt it; I don't hardly how to answer that; it might and might not have been, the effort would have been a worthy one.

Q. Do you think that his life might have been prolonged if he had not been sent out to work that day and he had received proper medical treatment; that is, in other words, did you find that this disease which you refer to had advanced to such a stage that it must necessarily have proved fatal within a few hours? A. No.

Q. You found nothing indicating but what if the inmate had received proper attention and had proper rest that his life would have been prolonged? A. I don't think that sending him out hastened his death over the work that he followed; that is a pretty deep question to answer, but from my opinion and knowledge of the case I don't think that rest in the cell and giving him all the care in the world would have prevented this result.

Q. I mean couldn't his life have been prolonged for a while? A. It might have been if I discovered it, but very generally, perhaps, I would say no.

Q. The next morning when you heard that he was dead you then believed the man was telling you the truth when he told you he wasn't able to go to work? A. I don't believe the thought occurred to me, I was so surprised that he was dead.

Q. What do you think now; do you think the man was telling you the truth? A. I don't know that he told me that he wasn't able to work.

Q. Didn't he tell you he was sick? A. He said he was sick and that he would like to remain in his cell.

Q. Will you state the manner in which you examined him, what attention you gave to him? A. I examined his pulse and his tongue, tried the theremometer and found all those symptoms normal; I don't recollect whether I made a physical examination of his chest or not; I certainly do know at the time of this examination that this roughening of the valves of the heart existed.

Q. How long were you engaged in the examination? A. Perhaps five minutes, would pass from one cell to another right along.

Q. How many examinations did you make that morning? A. I couldn't tell you that, they would run anywhere from eighteen to forty and fifty, from fifteen to forty-five.

Q. On an average? A. About that; sometimes not so many; sometimes I have only to go to the hospital, that is, if there isn't anything serious to call my attention to the cells.

Q. These examinations were made outside of the hospital? A. Yes, sir.

Q. Usually what time do you spend in the hopsital? A. That depends upon how well it is filled.

Q. Usually how long? A. Half an hour unless there are dressings or something to be made; some times it might take me three hours in there; depends upon what they are filled with; surgical cases take longer.

Q. As you recollect it your medical services upou this occasion only required your attendance here in the reformatory about an hour and a half? A. Yes, sir; from ten to twelve; I should say about an hour and a half.

Q. Will you say now, positively, you gave as much as five minutes' attention to this man? A. I think I did, because he had complained to me before, I think, and I failed then to discover any trouble with him, and I asked him if he didn't feel better when he was out in the air working about, and he said yes, he did, but he wanted to stay in the cell this day; he didn't state why; said he didn't feel good.

Q. How many different times had he complained to you before? A. I think that was the second time.

Q. Are you sure? A. I am not; how could you be in a place like this?

Q. Did he give you any of the symptoms? A. I recollect him saying that he couldn't eat; that he wanted better fare; sick men get better fare, and he had a pain in his back, I think, chronic condition that exists here; a great many suffering from pain in the back.

Q. Didn't he say to you, and in connection with your asking him if he wouldn't feel better and so on if he was in the open air, didn't he say to you in that connection that he was troubled to breathe? A. I don't recollect it.

Q. Will you say he didn't? A. I say I don't remember of his saying it.

Q. That he sometimes felt a sort of choking sensation? A. No, sir, if he had said that it would have led me to an examination of his chest, listening with the ear and rapping with the hand; his talk didn't lead up to that idea.

Q. Was he an intelligent sort of fellow? A. Ordinarily so.

Q. And yet, during your attendance upon him he never, upon any occasion, told you anything indicating that he had the symptoms of or had heart disease? A. No.

Q. Did you see the hospital steward the next morning? A. Yes, sir; must have seen him.

Q. Did he tell you what he had done for him? A. I don't recollect that.

Q. Didn't he tell you during the night this man sent for him? A. I couldn't state it.

Q. And that he said he couldn't sleep, and wanted something to make him sleep? A. That I don't recollect.

Q. And that the hospital steward told you he did give him something to make him sleep? A. I don't recollect that.

Q. Didn't he also say he had sent word to you in the night? A. I have no recollection of that conversation.

Q. That he first went to see him and gave him something to make him sleep, and it didn't seem to help him, and he then sent for you? A. I have no recollection of any such conversation.

Q. Did the hospital steward tell you what he had done for the man during the night; what care or what attention he gave him, or what medicine he gave him during the night? A. I don't recollect that the hospital steward knew anything about the death until the officers of the hall discovered it; I don't remember his speaking about it.

Q. Did you make any examination or apply any tests upon the occasion of this autopsy, for the purpose of ascertaining what, if anything, the man had taken during the night in the stomach? A. Do you mean by opening the stomach?

Q. Make any of the tests which could be at all relied upon? A. No, sir.

Q. Did you ever find out or know what it was the hospital steward gave him during the night? A. No, sir.

Q. Didn't you understand or learn that the hospital steward, when he found that the man was complaining, or had sent for him, that he finally informed Mr. Brockway of the man's condition, and that Mr. Brockway ordered him to send for you? A. I don't know any such thing; I think it was a surprise to everybody when they found him dead.

Q. You say you reported this man as being able to go to work that morning? A. To go out.

Q. Did you report him as malingering, pretending, feigning to be sick? A. I never make such report unless a man appears before me too many times with the same talk.

Q. You must have reported that morning that he was able to work? A. Yes; I reported that he was able to go out.

Q. You say you did not report that he was pretending? A. I don't think I did.

Q. You state positively that when you came here in the morning you found him dead in the cell? A. I think he was in the cell when I got here.

Q. Are you not positive? A. To the best of my recollection he was in the cell waiting until I arrived here.

Q. Did he remain there until the coroner came? A. No, sir; excuse me; I couldn't answer positively whether he was in the cell when the coroner arrived or not; my recollection is that he was; that he was left right where he was found.

Q. Isn't it true that man died in the hospital? A. Not to my knowledge.

Q. You must know about it? A. I say he didn't.

Q. Then if the record says October 17, 1889, this man died in the hospital, the record isn't correct? A. I think not; he died in his cell.

Q. Was he still lying in the cell when you saw him? A. Yes, sir.

Judge Gilbert.—"October 17, 1889; died in hospital."

The witness.—Unless you call a cell a section or adjunct of the hospital. He was in a cell.

Judge Gilbert.—"Maloney was never spanked."

Claude F. Bryan, recalled:

Examination continued by Judge Gilbert:

Q. Do you remember the inmate, Doherty, 4424 ? A. Yes, sir; he was on parole at the time.

Q. He was one of the inmates charged with this improper conduct ? A. Yes, sir.

Q. Do you knew whether Doherty was brought before you at that court-martial ? A. I don't remember whether he was or not.

Q. Did you, at the request of Doherty, send for any inmate as a witness to give evidence in his behalf ? A. I don't recall ever being asked by Doherty to do that.

Q. Did you, in behalf of any one of those that were condemned, at their request, they being before your court, send for witnesses to give evidence in their behalf ? A. I think there were some men who made that request, and when it was made it was granted.

Q. Can you name any of them ? A. No; I can not.

Q. Can you name any one of them that made that request that was convicted; might it not have been those that were acquitted that made the request? A. Not having see the record or attempting to refresh my mind since the occurrence, I can't remember the names of anyone in connection with it, unless it is brought up to my notice.

Q. You don't recollect any such occurrence ? A. No; I do not; that is a year ago since the occurrence.

Q. It was a rather unusual occurrence ? A. True.

Q. One of the most important court-martials that you ever had here in the reformatory ? A. Very true.

Q. You understood at the time its importance ? A. Yes, sir.

Q. The effects upon the rights and liberties ? A. True.

Q. Understanding that, I want to know of you whether you can state positively as to whether anyone of those parties that were accused were brought before you and you stated to them, or any member of the court stated to them, that they had the right, or the privilege to call before the court any inmate, or require any inmate to be brought before you that they believed could give evidence of their innocence, or evidence that would have a tendency to establish their innocence ? A. I remember there were several cases where we did, at the request of the men, send for the men whom they wished to have testify for them, but I can't remember now; if the record is made there, if I knew or could see it, I would probably recall the circumstance.

Q. Here is the record; see if you see anything there indicating anyone appeared or was requested to appear for the purpose of

giving evidence to establish the innocence of either of these parties ? A. I can't say, from anything I see there, positively.

Q. Is there anything in the record except simply the charges that were made against each one of them ? A. No; there are the circumstances, the names of the men who were implicated, their confessions as admitted.

Q. Is there anything upon this record except the charges; is there anything showing what evidence, if any, was given either for or against these inmates? A. Except what you see there yourself.

Q. As I understand you, this court was composed of four officers? A. Yes, sir.

Q. Yourself, Hoppe, Halpin and Van Etten ? A. Yes, sir.

Q. Was Van Etten an inmate officer ? A. No, sir; a citizen officer; has charge of the schools.

Q. The court was made up of two inmate officers and two officers that were not inmate officers ? A. Yes; of two who had been inmates.

Q. Halpin was then on parole ? A. Yes, sir.

Q. Hoppe had been an inmate, but he was fully discharged ? A. Yes, sir.

Q. Very many of these parties that were accused were paroled inmate officers, were they not? A. Some of them were.

Q. Can you tell about what number of them had earned their parole? A. Ten or twelve of them.

Q. I mean of those that were condemned? A. Yes, sir.

Q. Do you know how many of them were permitted to live outside of the reformatory at the time? A. None of them were.

Q. Were you present at any proceeding or proceedings that were had in reference to these men before the superintendent or in the presence of the accused and the superintendent, and the men was know; I was.

Q. Can you state what, if anything, was done upon those hearings? A. The evidence was stated by Mr. Hoppe, I think, in the presence of the accused and the superintendent, and the men was then questioned as to what he had to say about it; a great many admitted it; some of them denied it, and then the proceedings in each man's case was carefully gone over to the superintendent and he marked his approval or disapproval of the findings.

Q. As I understand you, there was not transmitted in any form to the superintendent any record of the evidence or statements as they had been actually made before your court, transmitted and presented to the superintendent; any evidence in writing or by typewriter, a written record of the evidence or statements which had actually been made by the various witnesses either

against or for these inmates that were charged? A. This was given to the superintendent.

Q. Except that? A. Nothing except that that I know of.

Q. If that does not contain any of the statements that were made by these inmates then so far as Mr. Brockway's knowledge of the facts are concerned he had to gather those from the oral statements that were made to him by Mr. Hoppe? A. And myself and Mr. Van Etten.

Q. Were either of these parties that were brought before you to make their statements sworn; did they make them under oath? A. No, sir.

Q. They were statements made by the parties brought before you? A. Yes, sir.

Q. Did you, or Mr. Hoppe, or Van Etten make your statements to Mr. Brockway under oath? A. No, sir.

Q. Simply statements made by you from your recollection of the proceedings or statements that had occurred before you? A. Yes, sir.

Q. Down to the time that Mr. Brockway acted in reference to the matter not a single sworn statement had been made before anyone relating to the guilt of either one of these parties? A. That is true.

Q. You say that some of them would admit their guilt and some would deny it? A. Yes, sir.

Q. So far as those who it is claimed had denied the charges what was done in reference to them? A. We very carefully questioned the inmate who by their confessions implicated this person with them as regards to the time and circumstances.

Q. I am speaking now as to what occurred before Mr. Brockway when he investigated the charges; were the admissions of guilt made to Mr. Brockway by the man admitting it, that is, the accused, or were those admissions stated to them by you or by Hoppe, or by Van Etten? A. They were made to the superintendent by the man himself in some instances.

Q. State what occurred before Mr. Brockway with reference to those who did not admit their guilt? A. We explained to Mr. Brockway in detail; it was then fresh in our mind the evidence against the man so denying; gave the names of those who testified against the man and went thoroughly into the details of the matter so he became as fully informed as to the evidence.

Q. You went thoroughly into the detail from memory? A. This being immediately after.

Q. You claim your recollection was fresh? A. Yes; and the superintendent then questioned the man as to whether he admitted or denied; and after the man had made his statement one way

or the other he made his approval or disapproval of the proceeding.

Q. Is that all of it? A. All that I remember.

Q Where A, when brought before Mr. Brockway upon the second hearing denied the charge, wasn't he given an opportunity to have the witnesses or his accusers and those who gave evidence against him brought before Mr. Brockway to repeat their statements? A. Not at that time.

Q. At any time before they were transferred? A. Understand me; we had already closed the investigation and had made our recommendations; this was our recommendation to the superintendent.

Q. Your hearing had closed ? A. Certainly.

Q. So far as the proceedings before the court-martial were concerned they had terminated? A. Yes, sir.

Q. The whole matter is transferred to Mr. Brockway? A. Certainly.

Q. I want to know if Mr. Brockway, as an appellate tribunal or as a superior officer, in any way heard the evidence again that was brought against these men or produced for them, whether he heard it or not ? A. We told him that in the presence of the accused.

Q. I am calling your attention to those statements where the accused denied the statements were true? A. Those are the cases I am telling you about now.

Q. Whether or not that man who denied the charge whether he was given an opportunity to have the statements made by his accusers; the men themselves, before Mr. Brockway? A. No, sir.

Q. So that Mr. Brockway, so far as the accusation was concerned; the truthfulness of the accusation was concerned, had to rely entirely upon this court-martial report; isn't that so? A. That is in those cases where I was present myself; those are the cases I am telling you about.

Q. In those cases that you know about? A. Yes; in those cases where I was present.

Q. Don't you recollect that several of the accused who denied the truthfulness of the charge were found guilty mainly upon the evidence of this man, Facey? A. Not his evidence alone.

Q. I say mainly? A. Nor mainly.

Q. Didn't his evidence tend strongly against several of those that denied the charge? A. I don't remember about that.

Q. I wish you could be a little more positive if you can as to whether or no any of the evidence or any of the statements that were made by the inmates against these men were taken down in

writing and preserved? A. I think I have answered that question.

Q. I call your attention to it to see whether or not you are are positive none of it was taken?- A. The main points in the case were taken down at the time as I told you.

Q. The main facts stated? A. Stated by the different men.

Q. Those facts do not appear here upon the record produced, do they? A. Simply the different points that are made.

Q. As I understand it you only have the charges, to illustrate charges; first, I will take the case of Major Doherty, consecutive number 4424; "charges, first, being present when Thayer hugged and kissed Facey; admitted by Facey; corroborated by Fitzpatrick; second many offenses of sodomy estimated at fifty by Nicholson, with 4107, Nicholson; third, one offenses of sodomy with Clark, 4290, in filter-house; Major Doherty made many vile propositions to Clark at his room; four, sodomy with Mullen in fresco class; admitted by Mullen;" I do not find anywhere upon this record anything indicating that Doherty himself had confessed to anyone his guilt? A. No; but you have a summary there of the evidence that was given against him.

Q. You mean this is a summary of the evidence given against him? A. Yes.

Q. I find that so far as the first charge is concerned the charge is supported by Facey's statement; by Facey's admission, and it is stated that it is corroborated by Fitzpatrick? A. All of that at the time we obtained in detail.

Q. Was there any other record preserved showing that in fact Fitzpatrick said or which showed that Fitzpatrick, in fact, did corroborate Facey? A. Excep that there.

Q. That is a statement made by some member of the board of court-martial? A. No, sir; we heard that; all of us.

Q. It is what the court-martial says? A. It is what the court-martial heard this man say.

Q. The findings of the court-martial, for instance, where you found that the statements of Facey are corroborated by Fitzpatrick as the report was made to Mr. Brockway was not accompanied by any record showing what, in fact, Fitzpatrick did say? A. Except what we told him.

Q. You say no record was furnished to Mr. Brockway showing what, in fact, Mr. Fitzpatrick did say; all the evidence which was presented to Mr. Brockway was the statements of the members of the board? A. And what you have there.

Q. That was so in every case substantially? A. I believe it was.

Q. I understand you to say that you were not present upon any occasion when the charge against any one of these forty-five

or fifty inmates that were transferred to Auburn was inquired into or investigated by Mr. Brockway? A. No, sir.

Q. You don't know, of your own knowledge, that any investigation was in fact made by Mr. Brockway with reference to the charges against any one of these men, except the hearing or investigation that was made that you have referred to when you and the other members of the board made statements to him with reference to what had occurred before your board? A. Not personally; no.

Q. So that, so far as you know, no full opportunity was given to an inmate to have his case investigated by calling before Mr. Brockway the inmate's accusers or calling before him witnesses that could give evidence in behalf of the accused inmate, that ever such an opportunity was given one of these inmates? A. Not before Mr. Brockway.

Q. So far as you know, from your own knowledge, those of the forty-five or fifty that were transferred to Auburn who denied the charges made against them were transferred to Auburn, and are now compelled to undergo the full maximum sentence prescribed by law without having had a full hearing before a court-martial or before any official belonging to the reformatory? A. I said no such thing.

Q. What do you say? A. They had a full hearing before the court-martial.

Q. Did they have a full hearing before the court-martial, those that denied the charge, was every person brought before the court that they desired to have brought? A. I said to the best of my knowledge and belief; as far as I know, yes; to the best of my knowledge and belief; I have told you several times I do not recall each particular case.

Q. Take the case of Doherty; do you say Doherty was brought before your court and denied the charge? A. I say he denied the charge.

Q. Where is there anything upon the record showing he was brought before your court and denied that charge? A. I don't know what there is on the record to indicate that; there is the evidence on there in the case that we recommended his reduction upon.

Q. There is nothing upon this record showing that any witness was called in his behalf? A. Nothing there showing it.

Q. Or anything upon this record showing a statement was made by anyone in his behalf? A. That is true.

Q. Do you remember the inmate, Crumby? A. Yes, sir.

Judge Gilbert.—We will introduce the record of the court-martial in the case of Crumby, Boyd, Facey, Walters, Nicholson, Doherty.

## CASE OF WILLIAM FACEY, 4954.

Charges:

First.— One offense of sodomy (rectum), with Captain Hudis, on top gallery of N. W. Ex.

Second.— One offense of sodomy (hand) with Captain Hudis, at cell door.

Third.— One or more offenses of sodomy with Nightwatch Whitman, in dormitory quarters.

Fourth.— Sodomy with Hilderbrandt. (Hilderbrandt, in this case, was the nance.)

Fifth.— Sodomy with Lynch, 3411, allowing Lynch to commit the offense with his mouth.

Sixth.— Sodomy with Lynch, 4902, in room. Seen by Pfunder.

Seventh.— Sodomy with Colsen, room-mate, since transferred to State prison.

Eighth.— Receiving many vile propositions from inmates and paroled men.

Ninth.— Knowing of many cases of sodomy committed on his gallery and not reporting same.

All the above charges are admitted by Facey.

Four offenses of sodomy with 4400, Cook. Admitted by Cook.

N. 2 gr. Rec.

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## CASE OF CRUMBY.

Charges:

First. One offense of sodomy, a year ago, with Ogden.

Second.— One offense of sodomy with Nicholson.

Third.— One offense of proposing sodomy with Nicholson in dormitory school class.

Fourth.— One offense of sodomy with Woodworth; admitted by Woodworth.

Fifth.— One offense of sodomy with Shortell; admitted by Shortell.

Guilty: Col. Bryan, Van Etten and Hoppe.

Sentence: Second grade; recommend.

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## CASE OF MAJOR DOUGHERTY, 4424.

Charges:

First.— Being present when Thayer hugged and kissed Facey; admitted by Facey; corroborated by Fitzpatrick.

Second.— Many offenses of sodomy, estimated at fifty, by Nicholson, with 4107; Nicholson.

Third.— One offense of sodomy with Clark, 4290, in filter-house. Major Dougherty made many vile propositions to Clark at his room.

Fourth.— Sodomy with Mullen in fresco class; admitted by Mullen.

No. 1, Pfunder.
No. 1, Nicholson.
No. 1, Facey.
No. 2, Nicholson.
No. 3, Clark.
No. 4, Mullen.
New second grade recommended.

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## CASE OF NICHOLSON, 4107.

Charges.

First.— Receiving vile propositions from Major Crumbie.

Second.— One offense of sodomy with Major Crumbie.

Third.— Hugging and kissing with Captain Burke.

Fourth.— One offense of sodomy with Major Valentine.

Fifth.— One offense of sodomy with Captain Kelly; not here now.

Sixth.— Receiving vile propositions from Captain Boyd; also receiving tobacco from him.

Seventh.— One offense of sodomy with Nightwatch Kelso.

Eighth.— Sodomy with Whitman, and receiving tobacco from same.

Ninth.— Sodomy with Captain Walters and receiving tobacco from same.

Tenth.— Receiving tobacco and vile propositions from Oliver.

Eleventh.— Sodomy with Thayer and receiving tobacco from same.

Twelfth.— Receiving tobacco and improper propositions from Captain Love.

Thirteenth.— Receiving vile propositions from Langer, 4062.

Fourteenth.— Receiving vile propositions from Wilson, 4054, and also tobacco.

Fifteenth.— Being hugged and kissed by O'Donnell, and receiving vile propositions from him.

Sixteenth.— Numerous offenses of sodomy, about fifty, with Major Dougherty.

All the above is admitted by Nicholson.

N. 2 gr. Rec.

## CASE OF CAPTAIN WALTERS.

Charges:.

First.—Making vile propositions to Jacobs. This is admitted by Jacobs.

Second.—Sodomy with Sergeant Miller. Admitted by Miller.

Third.—Making vile proposals to Hildebrand. Witnessed by Facey.

Fourth.—Many vile proposals to Mullen and one act of sodomy with Mullen. Admitted by Mullen.

Fifth.—One offense of sodomy with Moran. Admitted by Moran.

Sixth.—One offense of sodomy with Nicholson, 4107. Admitted by Nicholson.

N. 2 gr. Rec.

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## CASE OF JAMES BOYD, 3585.

Charges:

First.—

Second.—Visiting at the rooms of sexual perverts on the N. W. Ex. where he had no business.

Third.—Telling Pfunder about a crooked letter written by him and the reproof he received from Col. Bryan.

Fourth.—Making vile propositions to Ogden. This happened on Boyd's former parole.

Fifth.—Talking to La Fluer at his cell. This was heard and is corroborated by Ogden.

Sixth.—Giving tobacco to Lindsay 4519.

Seventh.—Writing an impropor letter to Spillane, a letter suggestive of licentious conduct with Spillane.

Eight.—Mailing a letter for a prisoner; a crooked letter, in which Stack, an inmate, asks money to be sent him via Boyd.

Ninth.—Sodomy with Sergeant Miller on gallery. Admitted by Miller.

Tenth.—Attempting sodomy with Mullen.

Eleventh.—Probably sodomy with Lindsay when employed in D. B. on former parole; he had Lindsay in the store-room, and a few days ago remarked to Mullen, "I wonder if Lindsay will say what happened two years ago."

Twelfth.—Vile proposition to Nicholson, 4107.

N. 2 gr. Rec.

Recess.

AFTERNOON SESSION.

P. O. Rickey, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Are you connected with the reformatory? A. Yes, sir.

Q. As an officer? A. Yes, sir.

Q. In what capacity? A. Captain of the night watch.

Q. Do you know an inmate named Thomas J. Miller? A. Yes, sir.

Q. Were you ever present in the bath-room when he was punished? A. Not that I know of.

Q. Were you ever present upon any occasion when Miller's teeth were broken out by McLaughlin? A. No, sir.

Q. Did you ever see McLaughlin strike him or kick him? A. Not that I know of; can you give me the date he claims to have been punished?

Q. The record shows he was punished February 15, 1888, February 25, 1888, and September 17, 1892. A. I couldn't swear about the date of September, 1892, without looking up a record I have, but in 1888 I was certainly not present; I was captain of the night watch at the time; I had never been in the bath-room at the time.

Q. You don't recollect of ever seeing him punished? A. No, sir.

Q. Do you recollect of ever seeing Mr. Brockway strike this man, Miller, over the head with a strap? A. No, sir; in no way.

Q. He never did strike him over the head? A. Not with a strap.

Q. Or the handle of the strap? A. No, sir.

Q. Did you ever see Mr. Brockway kick this man or stamp upon him? A. No, sir.

Q. Or step on him with his heel? A. No, sir.

Q. Or injure him with his heel? A. No, sir.

Q. Did any such thing as that occur? A. I never saw anything of the kind.

Q. Did Mr. Brockway at any time strike this man in your presence over the head with the strap? A. No, sir.

Q. Or across the face? A. No, sir.

Q. To injure him in any way? A. Not on the head.

Q. You can't state that you were present at any time when he was punished by Brockway? A. Under date of September, 1892, I would have to look up a record.

Q. You don't now recollect you were present at all? A. No; the other two dates I positively was not present.

Q. You don't recollect of any such occurrences as those to which I have referred ? A. No, sir.

Q. Had Mr. Brockway at any time struck this man over the head with the paddle or across the face with the paddle would you have remembered it ? A. I think I should.

Q. How many times have you been present when inmates have been punished ? A. Perhaps fifteen or twenty.

Q. Were you ever present at any time when they were thrown upon the floor ? A. No, sir.

Q. When force was used to compel them to submit to punishment ? A. Yes, sir.

Q. What force was used ? A. The officer, as I remember it — I came into the bath-room just as the man had resisted, and I think Officer Warren had the man's head under his arm, holding him and holding his hands; that is my recollection of it at present.

Q. Was he handcuffed ? A. No, sir; he was not.

Q. Was he strung up ? A. No, sir.

Q. Did you ever see any of the inmates strung up ? A. Understand me that at the time I speak of Mr. Warren was holding him; he was handcuffed or strung up at that time.

Q. He was holding him while he was being punished ? A. No, sir; the man had started to resist and they were subduing him.

Q. Was he struck by any one that time? A. Not that I saw.

Q. Were you present during the whole time they were attempting to confine him? A. I was not; I came in the bath-room at this time.

Q. Did you see any bruises or marks upon him indicating he had received severe punishment? A. His nose might have been bleeding a little; I think that it was.

Q. See blood flowing from any other part of his body? A. No, sir.

Q. See any marks upon him indicating he had been punished? A. No, sir.

Q. Did you see him when Mr. Brockway used the strap on him? A. Yes, sir.

Q. When he commenced ? A. Yes, sir.

Q. And until he finished? A. Yes, sir.

Q. How many blows did he give him? A. I couldn't say.

Q. Was that inmate struck over his head with the strap; you say you were present upon a dozen or fifteen occasions when inmates were punished? A. Yes, sir.

Q. Did you see Mr. Brockway upon those occasions strike any one of those inmates over the head with the strap or across the face ? A. Yes, sir.

Q. About how many of them ? A. Perhaps two in the total.

Q. Cause the blood to run? A. No, sir.

Q. Make black and blue bruises upon them ? A. Made a slight discoloration on this side of his head.

Q. Did it or did it not? A. I do not recollect.

Q. Do you remember Parks that jumped off the gallery? A. Yes, sir.

Q. After the injury did you have a talk with him in the hospital? A. Yes, sir.

Q. Did he tell you why he jumped ? A. Yes, sir.

Q. What did he say? A. The statement to me was that he had served time before; he never had work; he would be damned if he ever would work; he had fixed himself this time that he didn't think they could possibly make him work.

By Mr. Litchfield:

Q. What was your connection with the hospital? A. I had no connection with the hospital there then; captain of the night watch.

Q. Your duty took you into the hospital? A. Yes, sir; in any department where there were men or where there were not men.

Q. He broke both ankles? A. Yes, sir.

By Judge Gilbert:

Q. How long after he was injured did you have this conversation? A. Not to exceed two days.

Q. Were you in the habit of conversing with the inmates? A. In the hospital; yes, sir.

Q. What duties were you required to perform in the hospital? A. Simply to see that everything was secure there.

Q. Anything connected with your duties that required you to converse with the inmates that were there for treatment? A. Simply to cheer them up; naturally men sick in the hospital.

Q. How did this conversation with Parks commence? A. As I remember it now, I went up and asked him what would be an inducement to him to jump off the gallery in the way I had been told he had done so; I couldn't see any object in his jumping.

Q. Did he, upon that occasion, tell you he had been reduced in grade? A. He did not.

Q. Or that he feared he would be punished? A. He did not.

Q. Or that he done it for the purpose of escaping punishment? A. He did not; solely for the purpose of avoiding work.

Q. During the time that you have been connected with the rformatory did you act as night watchman? A. Part of the time I did.

Q. For how long? A. My recollection of it now is about seven years or eight at various times.

Q. Did you have charge or keep watch of that part of the reformatory in which the solitaries are located? A. Yes, sir.

Q. Did you keep watch during the night or day time? A. Night.

Q. How often did you pass by these cells; the solitaries? A. When the men were confined there, at least, five times during the night I was in there.

Q. Did you ever know inmates to be confined in the solitaries and chained to the rings there? A. Yes, sir.

Q. Did you ever know an inmate to be chained by both hands to either ring? A. Yes, sir.

Q. How many different occasions? A. Do you mean that they were put there during the day or night?

Q. At any time; either day or night? A. I should say perhaps five times.

Q. Do you know why they were chained with both hands? A. Yes, sir.

Q. Why? A. To prevent their injuring themselves.

Q. Had these inmates thus chained attempted to injure themselves? A. They had; yes, sir; except in one case; in one case I found a man there and I was informed the man had tried to commit suicide and I would have to watch him.

Q. Do you know of your own knowledge in the other cases they had attempted to injure themselves? A. Yes, sir; I do.

Q. They were not chained in that way, as you understood it, for the purpose of punishing them? A. All but the one case I speak of; I chained them down myself and I know positively it wasn't done in the spirit of punishment at all; it was simply as a confinement to keep them from injuring themselves.

Q. How long were they confined in that way? A. I couldn't say exactly; say a man was put in there to-night at 10 o'clock, when I would come to-morrow morning the man would be out.

Q. Did you ever know a man to be chained with both hands to either one of those rings for a longer period than twenty-four hours? A. No, sir.

Q. Have you known them to be confined that length of time? A. I couldn't say positively; I think a man by the name of Johnson was there about twenty-four hours once.

Q. This was in those cases where they were chained by both hands to the ring in the corner of the floor? A. Yes, sir; his hands were handcuffed together, a handcuff on the right wrist snapped into the ring; the hands cuffed together and then cuff around one hand and from there to the ring.

Q. Were both hands fastened by that? A. The one hand is fastened to the ring and the other hand to the right hand; both hands are down there, of course.

Q. When a man is fastened in that way how can he feed himself? A. Can not feed himself.

Q. How can he control his clothing in case he wanted to go to the stool or anything of that kind? A. He couldn't move; he couldn't get up; he couldn't set up.

Q. Have you ever known inmates to be chained by one hand to this ring in the floor? A. Yes, sir.

Q. For how long a time? A. My recollection of it would be say anywhere from one day to five or six; I never kept a record of it.

Q. That is your recollection? A. Yes, sir.

Q. Continuously? A. Yes, sir.

Q. What were they usually confined for; why were they confined in that manner, usually? A. The solitary, as used in the past, has not had a night watchman in there; it wasn't safe to lock up a man who was under punishment in a room of that kind and leave him alone; he was liable to injure himself; to prevent anything of that kind he was fastened down.

Q. At that time your duties required you to pass these cells at least five times a night? A. Yes, sir.

Q. So there were watchmen there? A. Not as I understand watchmen, guarding inmates in a block of cells, where we do not leave them alone an instant.

Q. Keep watch of them all the while? A. Yes.

Q. Have you known of instances when the whole eight solitaries were occupied by inmates at the same time? A. Yes, sir.

Q. When they were all chained down, either to a ring in the corner or to the movable ring upon the bar? A. No, sir.

Q. Have you ever known an inmate to be chained by the hands and by the feet, too, to the rings? A. One inmate.

Q. What was his name? A. Johnson.

Q. How was he chained? A. Both hands and both feet.

Q. Both hands to which ring? A. Both hands to the ring on the floor.

Q. To what ring was his feet chained? A. To the door.

Q. For how long a time was he kept in that condition? A. I do not know; I placed him in that position about midnight; when I came the next night he was loose; that is, his feet were loose.

Q. Why did you chain him in that manner? A. He cut his arms; they took him up to the hospital; he cut his arms across the arteries here and up here.

Q. He attempted to cut himself upon the wrist? A. He did cut himself, with the intention of committing suicide.

Q. Where else did he cut himself? A. Across the arm just above the elbow; I took him from his cell to the hospital and had

his arm sewed up and dressed and took him down in No. 4 in the solitary and went back and fastened both hands to the ring and went back in the course of half an hour and he had torn the bandages all off and the stitches out of his arm; he could reach up and get hold of them with his teeth in this way; to prevent that I chained his feet fast to the door, so he could not get there to reach his arm.

Q. When chained down by both hands to the ring he could get his teeth to the bandages around his wrist and arm? A. Yes, sir; that is what he did do; he tore the bandages all loose from his arm.

Q. When he was chained down with his feet to the door? A. No, sir.

Q. Why not? A. He was drawed up too tight; his hands he had to keep above his head.

Q. That brought both his wrists and the arm so far above his mouth that he couldn't reach either bandage when his feet were chained to the door? A. Yes, sir.

Q. Was that in a sitting position? A. Lying position; he could roll over on his side or on his back; he could change his position as he was lying down but it was an impossibility for him to get down to this but on his wrist; this was perhaps about midnight.

Q. Was he a colored fellow? A. No, sir.

Q. Do you know whether he had been paddled before that or not? A. I do not.

Q. Or whether he had been chalked in just before that? A. I do not.

Q. Do you know what it was that caused him to injure himself in this way? A. As he expressed it to me it was cussedness.

Q. What did he say? A. As I remember it now; of course I don't remember what he said; it is the impression I got from what he said to me; the impression I received from the man's talk he wanted to be tough; he was going to make an attack on his life simply to be tough.

By Mr. Litchfield:

Q. Do you recollect his subsequent history? A. I do not.

Q. You don't know whether he renewed the attempt? A. I don't think he did after that; my impression is he did not.

Q. Didn't he complain of the severity of the treatment he was receiving? A. I don't have any recollection of it that he did.

Q. Will you say he didn't? A. I will say I have no recollection of it; my impression is he did not.

Q. Didn't he say he would rather suffer death than to remain there longer ? A. I have no recollection.

Q. Your recollection is as you have stated, he done it so as to be regarded as tough ? A. Yes.

Q. Have you seen a man before that try to commit suicide in that way ? A. No, sir.

Q. Was that followed by any similar attempts ? A. Occasionally a man will gash his arm.

Q. Subsequent to that ? A. Yes, sir; but it is plain on the face of it that the man has no real intention of injuring himself; what we would call a bluff; it isn't any real intention of injuring himself.

By Judge Gilbert:

Q. Can you give the names of the other inmates that you chained down to keep from injuring themselves ? A. Brown, I think, was one; I don't remember any others.

Q. You think there were five such cases? A. Perhaps four or five of them.

Q. And all of those occurred within about what time ? A. It has been spread over ten years of time.

Q. When was the last one? A. That I used handcuffs on both hands ?

Q. Yes; previous to September? A. I don't remember of a case in two years.

Q. In this instance where you chained a man by his feet and by his hands did you notify the hall man of the position you had placed him in ? A. I notified the principal keeper.

Q. Did you notify any of the officers that you had chained men there by both hands? A. The principal keeper when notified looks after that part of it personally; I notified the principal keeper and the superintendent always.

Q. Did you notify Mr. Winnie of that fact? A. Whenever Mr. Winnie was in charge I have.

Q. Do you think you notified Winnie of the fact upon any occasion that a man was chained with both hands? A. Yes, sir.

Q. Did you also notify Mr. McNish of that fact ? A. Mr. McNish had nothing to do with it.

Q. Did you notify Mr. Halpin at any time? A. I don't think I ever fastened a man while Mr. Halpin was principal keeper.

Q. Or notify the superintendent? A. Yes, sir.

Q. That they were chained by both hands? A. Yes, sir; I sent them a written notice,

Q. Did you ever notify Mr. Sample? A. No, sir.

Q. Just Winnie and the superintendent? A. Yes, sir; that is my recollection of it now.

Q. You are sure you notified some officer of the fact they were so confined? A. Yes, sir.

Q. You are sure one of the officers was Winnie? A. The principal keeper at the time, Mr. Beach, I think was the first officer; I think Mr. Beach had one of such cases and Mr. Winnie the rest of them; that is my impression at present.

Q. Do you know either of these men had been punished before this? A. No, sir.

Q. Or that they had been threatened with punishment? A. No, sir.

Q. Do you know that frequently where inmates are threatened with punishment that they have attempted to make way with themselves? A. No, sir.

Q. Were these inmates confined in the solitaries at the time they made attempts upon themselves? A. No, sir.

Q. The attempts to injure themselves were made before they were taken to the solitaries? A. Yes; except in the case of this man Johnson, where he tore the bandages off after they were put on.

Q. Johnson was confined in the solitaries? A. When he tore the bandages off, he was not at the time he made the cuts on his arm.

Q. Were any one of these men confined in the solitary at the time they attempted to injure themselves? A. Johnson when he cut his arm wasn't in the solitary; but I consider it as another attempt to injure himself when he tore the bandages off from his wounds.

Q. Do you know of the bodies or remains of any inmate being taken away from the reformatory in the night time, and buried or disposed of? A. I remember of one case.

Q. Who was that? A. I couldn't say the man's name; I can tell you what he was taken out in the night time for.

Q. I want the whole of it? A. He was taken out to ship to his friends; they didn't get word time enough to send to an earlier train.

Q. What was the name of the inmate; could you tell? A. No.

Q. Do you know where the inmate was sent to? A. No.

Q. Or who? A. No.

Q. Or consecutive number? A. What impresses it upon my mind it was something that was never done before and hasn't been done since

Q. Can you tell about when it was? A. I should say perhaps a year and a half ago.

Q. Do you know where the remains were sent to? A. I do not.

Q. Know nothing about it? A. No, sir.

Q. You know the remains were sent to the friends of the inmate? A. That is what I was informed by the undertaker, and by the officers.

Q. Do you know what officers removed the remains? A. Undertaker Zimmerman.

Q. Do you know from what part of the reformatory he was taken? A. Hospital.

Q. Do you know what caused his death? A. I do not; he was taken away in the night while I was on duty.

Claude F. Byran, recalled:

Examination continued by Judge Gilbert:

Q. Can you name any of those inmates that were accused as being guilty of sodomy that were acquitted; discharged upon this occasion that you have referred to? A. I can't recall only Gorevan; 5118, I think, is his number; I remember him as he was a lieutenant.

Q. Do you remember any others? A. There were some others; I don't remember their names.

Q. You are sure there were others? A. Yes, sir.

Q. And as you recollect it six or eight? A. Six or eight.

Q. How many of these inmates that were accused and denied knowing anything about this crime when they were first called before the court, or first charged with the offense that were taken to the bath-room and punished or threatened with punishment before they would admit their guilt or admit the guilt of others? A. Only one man that I remember of.

Q. The man Facey? A. Yes, sir.

Q You know of no other? A. No other.

Q. Facey was one of the first witnesses sworn or parties examined? A. No; I knew he was not.

Q. Do you remember how many had been examined before he was examined? A. No; I couldn't state the number; I know there were several.

Q. The accusers of these men were nearly all of them parties who were alleged to be guilty of the same offense that they were? A. I don't know as I understand your question.

Q. Were they not nearly all of those who claimed these inmates were guilty, self-confessed prostitutes, that they were parties who had admitted that they were guilty of that kind of crime or offense? A. It was on the confessions of these men mainly, of course, that we proceeded.

Q. That class of men and of offenses of that character? A. Many of those men are not men whom we suspected.

Q. Were not these convictions based mainly upon statements made by self-confessed prostitutes or sexual perverts ? A. That question couldn't be answered by yes or no.

Q. Say largely ? A. No; I wouldn't say largely.

Q. Do not the records show that your findings, where you found an inmate guilty of a charge, that it was upon the admission of some one who had been a party to the crime or transaction ? A. Certainly; that was part of the testimony.

Q. Was other evidence, or from what other source, or from what other inmate, did you receive evidence or statements upon which your findings were based ? A. The confession of both parties to the transaction.

Q. That is those cases where you claim the accused admitted the guilt, but take it in those cases where the accused denied the charge, what other evidence did you base the findings upon than the evidence of a man accused of the same kind of offense ? A. In every instance there were more than one who accused the person being tried for having connection with them.

Q. One or more ? A. More, usually.

Q. The evidence was based upon what had occurred between the accused and them relating to the offense? A. Yes, sir.

Q. As I understand it, these court-martial convictions did not become operative, or the accused was not subject to any penalty until the decision of the court-martial had been confirmed by the superintendent ? A. No, sir; he had to approve of it first.

Q. The record which has been placed in evidence does not contain all the proceedings by the court-martial ? A. No, sir.

Q. But a very small part ? A. Very small part of it.

Q. What is the method which you adopt when you investigate reports which have been made against inmates ? A. I call up the inmate whose report is to be investigated, also the officer who made out the report, call them face to face; question first the officer as to the circumstances of the case, and then the inmate whose report is being investigated; compare their statements, where they disagree, and there is almost always one or more other inmates who know something about the circumstances of the case, and I send for those, hear their statements, and usually have the inmate just accused present at the time; sometimes I deem it advisable to have everybody go out and call in simply the witnesses alone, and after weighing all of the evidence given for and against I decide the case and report to the superintendent; I make a note at the time of the principal points, submit it to him, explain it to him, go over it more carefully, make my recommendation, and then he makes a final decision in the matter.

Q. Suppose A is accused and he is brought before you; he denies the charge; if he hadn't denied the charge then he would receive a certain mark, or certain number of marks; now he appears before you and he asks for a hearing, and the charge is sustained; what effect has that upon the inmate; does it increase the marks against him? A. The report, which is investigated, of course, stands against his record.

Q. That is one that calls for two or three marks of some kind? A. Whatever the original report was that does not increase the seriousness of that report in regard to his record, but in cases of that kind where it is manifest that the man has —

Q. (Interrupting.) Put it just as I have; the charge is sustained; what is the effect upon the inmate? A. That report that is investigated stands against him, of course, and in the discretion of the superintendent he receives another report for his denial not sustained.

Q. So that upon every appeal or upon every occasion when he denies a report that is made against him he takes the chance of having the mark against him increased? A. Yes; of course, that is part.

Q. I suppose that is upon this theory as the charge is true? A. Yes, sir.

Q. And that he should have the marks that under the rules should be made against him? A. Yes, sir.

Q. If he denies it and the charge is not sustained then upon the theory he has come before you or the officers and stated a falsehood, for that denial he should receive further marks and receives them? A. Yes, sir.

Q. So he takes the chances whenever he calls for an investigation of having that disposition made of the case? A. Yes, sir; there is an additional appeal later; he can demand a court-martial and it is granted to him and after that he may go to the board of managers.

(Examination of this witness suspended for the present.)

Peter Finnegan, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Are you connected with the reformatory? A. Yes, sir.

Q. In what capacity? A. Hospital steward.

Q. How long a time? A. About a year and a half.

Q. Where do you reside? A. Elmira.

Q. Where did you reside before that? A. Seneca county.

Q. What place? A. Willard.

Q. Have you ever been connected with any reformatory or prison or asylum before you came here? A. I was.

Q. Where? A. In Willard State Hospital for about nine years.

Q. In what capacity did you serve there? A. Attendant all the time and nurse.

Q. Have you ever studied medicine? A. No; I have not.

Q. Are you a physician? A. No; I am not.

Q. Did you know this inmate, Murray, 5355? A. Yes.

Q. Were you connected with the hospital at the time he was taken there? A. I had charge of the hospital and him when he was there.

Q. State what you know about his case as to having upon his person marks indicating he had been severely punished? A. I never saw any marks upon his person.

Q. Did you examine him? A. I did.

Q. For that purpose? A. Not for that purpose but he had an abscess under his arm; I forgot which arm; and I dressed that, so that he had his shirt off and his back was bare.

Q. That was on the front? A. About under; he had to raise his arm in that fashion for me to get at it.

Q. In order to enable you to properly dress it did he have to lie on his face? A. No.

Q. So that you could see his buttocks? A. Yes; I could see his buttocks.

Q. While he was lying on his back? A. Yes.

Q. Did you dress this sore? A. I did, every day.

Q. Did you lance it? A. I think myself or Dr. Wey lanced the sore but I dressed it afterwards.

Q. Did it discharge matter? A. Yes, sir; I think before it was lanced it broke.

Q. How long a time was he in the hospital before he died? A. Ten or twelve days.

Q. Do you know when he was punished the last time before he went to the hospital? A. I do not.

Q. While you dressed his abscess was anything said by him to you in reference to hi having been punished or having bruises or sores upon him caused by punishment? A. No, sir; I don't remember of his mentioning anything about punishment because there was nothing on his person to suggest punishment that I thought.

Q. You say he was in the hospital about ten days? A. I think that is about the time.

Q. Do you know what was the cause of his death? A. Pneumonia, I believe; it seemed to me; I don't know what the doctor gave.

Q. Who was the physician that attended him? A. Dr. Wey.

Q. Do you know why he was taken to the hospital? A. Because he was sick.

Q Did he have pneumonia when he was taken to the hospital? A. No; there were symptoms of pneumonia when he was first taken to the hospital; he had influenza, with a chest trouble and lung trouble and it hadn't developed at the time, that is, when he was admitted to the hospital.

Q. Was he in the first stages, as you claim, of pneumonia? A. I don't think the doctor called it that; it was influenza that developed it into pneumonia afterwards.

Q. Is that all you have to say about his case? A. That is all.

Q. While you have been in the hospital, or connected with it, have you known instances when men were injured and taken to the hospital and blood flowing from different parts of their bodies? A. Oh, yes; almost a daily occurrence.

Q. Do you know of there being traces of blood along the corridors as they have been carried along through it? A. Yes, sir; you can find that any time there is an accident from the shop, blood would drip from the wounds if it is bad enough to bleed quite often; one to-day.

By Mr. Litchfield:

Q. That blood would lead from the shop or the place where he was injured to the hospital? A. Yes, sir.

By Judge Gilbert:

Q. Did the hall from the bath-room connect with the corridor you refer to? A. Yes; they would go by the bath-room to come to the hospital.

Q. Pass the point where this hall that leads from the bath-room connects with the corridor? A. Yes; about within ten feet of the bath-room door, same corridor.

Q. Have you seen blood along the corridor that leads to the bath-room? A. Yes.

Q. In the hall that leads to the bath-room door? A. I don't know as it was very close to the door.

Q. Along that hall that leads to the bath-room door? A. Yes, sir; step by step.

Q. Do you mean in the small hall or corridor as well as the large one? A. It is the main hall.

Q. Did you ever see any blood on the floor of the hall leading from the main corridor, as you call it, to the bath-room? A. No; I never did.

Q. Did you ever see any inmate that was brought to the hospital with marks upon his buttock, or any part of his buttock, indicating he had been severely punished? A. No, sir.

Q. Did you ever see any inmate that was brought to the hospital having upon his face bruises indicating he had received a severe blow in the face from any source? A. Yes.

Q. What kind of blows? A. I saw a man with a black eye.

Q. Any other bruises? A. And a man his neck cut here.

Q. Do you know where he received those bruises? A. I believe in a fight with other inmates.

Q. Did you ever know of any inmate that was taken to the hospital that had bruises upon him that were received in the bathroom? A. No, sir.

Q. There was a man died in his cell; were you the hospital steward at that time? A. No, sir.

Q. That was before you came here? A. Yes, sir.

Q. In those instances where you saw blood along the corridor you don't know how they were injured, of your own knowledge, or where they were injured? A. If he came to the hospital with that wound that caused the blood I would always ask them and make a record of it.

Q. You don't claim to have any knowledge of your own in reference to it? A. No; I don't.

Q. Can you give the name of the man who you say had bruises upon his face and cut upon his neck and over his eye that had been in a fight? A. One was Augusta; I said one had a black eye and another had a cut on his neck; Augusta was the man with the black eye.

Q. Who was the one that had the cut on his neck? A. I can't think of his name; it was very recently done; those two men got in a fight themselves.

Q. And when they got to the hospitals they told you they received the injuries in a fight? A. Yes; the man who got cut gave the black eye to the man who had it.

Q. At the time when you treated the sore under Murray's arm did you make any memorandum or record of the operation? A. Yes.

Q. In the hospital record? A. Yes, sir.

Q. Do you remember how many days it was before Murray's death that you operated upon him? A. His abscess was open before he was admitted to the hospital a few days.

Q. About how many days before? A. I couldn't say; probably three or four.

Q. Might it not have been two weeks? A. No; it couldn't have been.

Q. A record was made of that? A. Yes.

Q. A record made of the day he was taken into the hospital? A. Yes.

Q. The hospital record will show whatever there is about it? A. Yes.

H. D. V. Pratt, Jr., being duly sworn, testified:

Examined by Judge Gilbert:

Q. You are a practicing physician? A. Yes, sir.
Q. Where are you practicing? A. City of Elmira.
Q. How long a time have you been a practicing physician? A. Thirteen years.
Q. Did you, at any time, attend the inmates in the reformatory in a professional way? A. I have on several different occasions.
Q. Did you ever attend for the purpose of treating an inmate by the name of Gross? A. Yes, sir.
Q. You remember him? A. Yes, sir.
Q. Where was he? A. In the hospital.
Q. When was it? A. June, 1891.
Q. What for? A. For a hernia.
Q. What did you find? A. Found he had a hernia,
Q. One that had just been started or created, or was it an old one? A. In my opinion it was an old one.
Q. From the examination you made or from what you saw and learned in the case can you tell of how long duration? A. That would be impossible to give absolute date in regard to how long it was, but it must have been several months at any rate.
Q. Do you remember upon which side it was? A. I think it was on the right side; I don't remember.
Q. Do you know whether he had a hernia upon the other side or not? A. I don't know.
Q. Did you examine to see? A. Yes, sir; he hadn't a double hernia at the time as I remember.
Q. Had he a truss? A. He did not at the time I examined him.
Q. Do you know whether he had ever worn a truss before that? A. I don't remember.
Q. Did you prescribe for him? A. I was called in consultation with the reformatory physician.
Q. With D. Wey? A. Yes, sir; I wasn't called to prescribe for him.
Q. Was there anything else the matter with him except this hernia? A. That was the principal thing; it was down and he couldn't get it back.
Q. State the particulars relating to the case which made it necessary for Dr. Wey to call in counsel? A. His hernia was down and he couldn't get it back; it was causing a good deal of pain and trouble, and Dr. Wey thought perhaps it would

be necessary to operate to put the hernia back; he couldn't put it back by ordinary methods; after the man was put under ether and his muscular system utterly relaxed, we could replace the hernia, and did replace it.

Q. This man, so far as you know, did not at that time have a truss ? A. I don't know.

Q. You don't know he had worn any truss before that ? A. I don't know as he had or had not.

Q. Was there anything about his person, that part of it, at or near the hernia, indicating he had or had not worn a truss ? A. No, sir; not as I remember.

Q. If he had worn one there for any great length of time wouldn't it have left some indication it had been worn ? A. If he had one at some previous time and hadn't worn one —

Q. (Interrupting.) Suppose he had worn one continually before that ? A. There probably would.

Q. Were you ever called again to see him ? A. No, sir.

Q. Did you direct or give as your opinion he had better wear a truss ? A. I think that was our opinion, if the hernia was not kept back it would come down again.

Q. Have you any memorandum or anything from which you can obtain the exact date when that occurred ? A. Yes, sir; 24th of June, 1891.

Judge Gilbert.— The defense desires to introduce this record. Punished July 29, 1891, F blows, and that that is the first punishment he received as far as the record shows.

Q. Do you regard yourself as a specialist in the treatment of hernia ? A. No, sir; not any more than a general practitioner.

Q. Have you ever practiced your profession in the old country ? A. Yes, sir.

Q. Have you ever practiced it in connection with public institutions ? A. Yes, sir.

Q. In the old country as well as this? A. Yes, sir.

Q. And had extensive practice ? A. Yes, sir.

Q. Hernias have come for treatment in connection with your general practice ? A. Yes, sir.

By Mr. Litchfield:

Q. Whereabouts in the old country did you practice ? A. I was in Vienna and Heidelberg.

Q. Were you an interne in any of the hospitals there ? A. No, sir.

Q. Simply a student ? A. More than that; student under one of the assistants in both places.

Q. Will you kindly locate the hernia this man had? A. It was a hernia, as nearly as I remember — I don't remember exactly whether it was on the left side or right side, but as near as I remember it was a hernia on the right side, part of the bowel coming through the abdominal wall and down in the scrotum, making an inquinal hernia; this hernia was supposed to be strangulated, that is, it was impossible to reduce it by ordinary methods for the simple reason the man fought against it; he didn't seem to want it reduced; he fought against it and he fought against taking ether; it was a matter of force to give him ether; it took three or four men to hold him to give him ether; after the ether was given and the parts relaxed it was easy to put the hernia back; then it was evident, after it was put back, that it was an old hernia, from the thickening and consolidation of the tissue about it; it wasn't a new hernia; that was as evident as it could be; if it is strangulated a man will die within twenty-four hours —

Q. (Interrupting.) When strangulated it must be properly reduced or it becomes a very serious matter? A. If it becomes strangulated and not reduced the probabilities are that portion of the intestines, that particular loop that comes down, will become gangrenous, which would mean the man would die.

Q. A very dangerous thing? A. Very dangerous thing; a hernia which is not reduced speedily, and that was the principal reason probably in calling a consultation; it is a very severe operation, and one no physician would do without consultation.

By Judge Gilbert:

Q. Did you ever operate upon a patient for the purpose of reducing a hernia? A. Yes, sir.

Q. Upon how many different occasions? A. That would be rather hard to tell; I would say fifteen or twenty times, and have seen the operation a great many more times.

Q. Would you consider it an improper or dangerous thing for a man who has a hernia of that character, of the character of the one you described, to be compelled to stand up and be paddled with a strap eighteen or twenty inches long and about three inches wide across the buttocks?

Mr. Stanchfield.— That is objected to as incompetent.

Judge Gilbert.— I am requested to ask that.

Q. What would you say as to the propriety of punishing a patient with a hernia of the character of the one that you describe or that you saw upon this man June 24, 1891, punishing him on the 29th of July, 1891, and giving him six blows across the bare buttock with a strap, wet in water, just moistened, so it would be

soft, about twenty inches long and about three inches wide and about a quarter of an inch thick, the strap fastened to a handle about twelve inches long? A. I should think it would hurt his buttock.

Q. Would you think it would be prudent or proper punishment to be administered to a patient?

Mr. Sanchfield.— That we object to. It is not a proper question to be put to an expert.

The witness.— There was no operation performer except to reduce this hernia; there was no cutting hernia, no more than the employment of your hands and kneeding process to get this loose doughy substance back.

Mr. Litchfield.— The question is whether such a party, suffering from such a hernia, would be a proper subject to suffer the punishment? A. I don't think the punishment would affect his hernia; it might hurt his buttock, but it wouldn't hurt his hernia.

Frank W. Ross, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Where do you reside? A. I reside in this city.

Q. How long have you resided here? A. I have always lived here.

Q. How long have you been a practising physician? A. Little over ten years.

Q. Did you assist at the autopsy of Maloney? A. Yes, sir.

Q. What did you discover with reference to the cause of death? A. The cause of death was due to heart trouble.

Q. Anything else? A. Very weak heart; there were pleuritic adhesions, weak heart with some mitral insufficiency; my impression at the time was in all probability a clot had been carried from the heart to the brain, the heart being very weak, producing sudden death; he was also a man syphilitic, as well.

Q. Did that, in your judgment, contribute toward causing the death? A. Yes, sir; that produced a condition of the heart and blood-vessels which makes the heart very easy; they are quite prone to that, the filling of the arteries and tendency to clogging.

Q. Who was present at that autopsy? A. The coroner, Jacobs, I believe Dr. Reilly, and the interne in the hospital, some young man who acted as orderly or interne.

Q. Anyone else? A. I don't remember anyone else.

Q. Where did you find this man? A. I believe the man was in a large room.

Q. In a hospital or in a cell when you first saw him? A. I believe the body was in a large room, where we held the autopsy.

Q. Do you remember whether you saw it first or Dr. Reilly? A. I believe Dr. Reilly saw it first.

Q. You didn't come up with Reilly? A. No; I believe Dr. Reilly made a visit in the morning.

Q. What time in the day did you make the autopsy? A. I think it was in the forenoon; I can't give the exact time possibly between 11 and 12.

Q. Was the hospital steward present? A. It was the hospital steward I had reference to.

Q. Did he tell you what he had done or given this man during the night before? A. I don't remember that.

Q. Did you inquire anything in reference to that? A. I made inquiries at the time of the autopsy but what it was I can't remember.

Q. Don't you remember whether he told you that he gave the man something to take? A. If the man was sick at the time I believe the doctor had ordered something for him to take; what it was I can't remember.

Q. As you recollect it the hospital steward stated that the physician had ordered him to give this man some medicine but what it was you don't know? A. That is my impression now.

Q. Did you examine his stomach or make any examination for the purpose of finding out at that time what it was, if anything, they had given him the night before? A. I don't think we examined his stomach.

Q. Did you make inquiries in reference to what had occurred just before his death for the purpose of enabling you to determine what had caused his death? A. We did.

Q. Were you told during the night this man claimed he couldn't sleep; that he wanted something to quiet him or make him sleep? A. I can't remember that.

Q. Didn't the hospital steward say that he had given him something to make him sleep? A. I can't answer you that; I can't remember the conversation with him.

Q. Wasn't it stated to you and to Reilly that this man complained that he couldn't sleep during the night and that the hospital steward gave him some thing to make him sleep and then left him, and when the officers went to his cell in the morning they found him dead? A. My impression is — this is merely a matter of impression — that if the man was ailing something was given him according to orders and the man was found dead the next morning.

Q. Something was given to him according to orders and the man was found dead in the morning, and have you any impres-

sion who gave those orders? A. My impression was Dr. Reilly gave the orders.

Q. Weren't you informed upon that occasion that Dr. Reilly, during the day before, had examined the man in the cell and had expressed it as his opinion there was nothing the matter with him, and he should go to work? A. I don't remember the man was ordered to go to work; there was no definite disease with the man.

Q. Don't you recollect the doctor stated with others that the doctor had decided he was able to go to work and that he did work that day? A. My impression was that the man did not work at that time: those little details I paid very little attention to; I merely made the autopsy from my standpoint, and cared very little about the previous history.

Q. Did you make any record of your findings? A. I made a memorandum at the time.

Q. Have you got it? A. No, sir.

By Mr. Litchfield:

Q. Was the state of his heart such as would have been readily ascertained by the ordinary observation of a doctor? A. It is dubious whether you could really tell the condition of the heart without seeing it; it was a very weak heart, and the valves were not sufficiently diseased so they would necessarily give the murmur which you would get.

Q. Do you think you would have heard the murmur if you had osculated him? A. I am a little bit in doubt in regard to that; a very weak heart sometimes gives a murmur which you might mistake for palpitation.

Q. Did death come from heart failure? A. Yes, sir.

Q. Might it not then have occurred in ordinary life to a man even physically stronger than this man? A. At any place or any time.

Q. If you had known his condition you would have cautioned him against undue excitement or undue exertion? A. Yes, sir.

Q. You couldn't have ascertained his condition without cutting him open to see? A. I couldn't have told the condition of his heart without a very careful examination, and then I am in doubt whether I could have correctly diagnosed it.

Q. Do you know any medicine was given this man the night before? A. I know nothing.

Q. Were you told that any medicine was given for any purpose the night before? A. It is merely my impression; I can't tell you positively in regard to that; my impression now was the man had had something given by the hospital steward under orders.

Q. If you had known exactly the state of affairs could you have given any medicine that would have benefitted the heart except advice to keep quiet? A. I think that would have been the best or medicine we have to strengthen the action of the heart I might have given him.

Q. Could that medicine have strengthened the valvular action of the heart? A. Not the valve but the heart itself.

Q. Enable the organ to become strong? A. Yes, sir; the condition of the man's stomach and his heart and arteries was one undoubtedly due to his syphilitic taint that he evidently had.

Q. Might he have been so far gone from that other cause it would have been impossible to restore the heart? A. That would be a question I could hardly answer with any certainty; the tendency with a man with such a disease is to die.

Q. About how old was this man? A. I should judge about 25.

Mr. White.—I wish to offer in evidence in relation to Maloney, from the records, that the month previous to his death he received two chocolates or first-class reports for malingering, the first September 4, 1889, made out by Dr. Wey, per Quitman, coming in heedlessly at 11.30 on the morning of the third, thereby losing time until 10 o'clock on the morning of the fourth instant. I saw him the morning of the day he remained in at center gate; I gave him nothing, for nothing was the matter with him. H. D. W. The second, dated September 27, 1889, made by Dr. Wey per Quitman, staying in and wasting a whole afternoon on the twenty-sixth inst., signed W. There are no reports for the month of October, which is the month in which he died, no banner reports.

Claude F. Bryan, recalled:

Examined by Judge Gilbert:

Q. What have you to say with reference to the inmate military officer system? A. Well, in my opinion it is very efficient, and is one of the best factors we have in the government and discipline of the inmates.

Q. Do you mean in the military discipline? A. Yes, sir; as a regiment, and wherever we have employed the military officers; we select from the most competent of the military officers; I select, with the approval of the superintendent, the various military officers to act as assistants to the civil service officers in charge of the shops, and the service they have given us, as shown by the government and by the discipline in the shop, has been of immense value to the institution; I had prepared, not very long ago, for my own satisfaction principally, statistics, showing the efficiency and also the faithfulness of the inmate monitors; there

have been, since I have been in the institution, about 150 or 160 inmate monitors, and the records and my own personal knowledge show that ninety-one per cent of those men have acquitted themselves in a perfectly satisfactory manner, and we have not discovered anything in their capacity as a monitor to show they have been unfaithful to the government of the place; in fact, the ratio of faithfulness and efficiency is equal to, if not greater, than that of our civil service officer; I have not prepared statistics from the civil service officers, as it was harder to get at that than from the inmates; we have in all of our large shops a citizen or civil service officer in charge, and an assistant who is an inmate officer; he is always a commissioned officer in the regiment, and we use him during the day as an assistant in the shop.

Q. You refer more particularly to the efficiency of this class of officers in connection with the military? A. Yes, sir; also in other capacities, as monitors in the shops.

Q. You have not the same facility of determining the efficiency in the shops as you have the efficiency of this class of officers in the military? A. Yes, sir; for I have charge of that.

Q. You measure the value or efficiency of this system by the effect which it has upon the government of the institution? A. Yes, sir.

Q. Have you made any statistics measuring the effect of the monitor system upon the inmates with reference to the advancement, with reference to their improvement or particularly with reference to their advancement from one grade to another, or with reference to their discharge from the reformatory? A. I know of no way in which such statistics could be prepared.

By Mr. Litchfield:

Q. Do you remember when the inmate monitor system first went into service here? A. About four or five years ago; since I have been here; what happened before I am unable to say.

By Judge Gilbert:

Q. Do you know whether the inmate monitor system was in vogue at the time you came? A. To a slight extent.

Q. But since you have been here it has been developed to its full extent as it now exists? A. Yes, sir.

Q. These court-martials are somewhat affected, or the inmate monitor system enters in somewhat into the organization of those courts, does it not, or rather the inmate monitor system enters into the composition of the court to some extent? A. No; the court usually consists of myself —

Q. Isn't it a fact, as you stated, that inmate officers form sometimes or are sometimes members of that court? A. Yes, sir.

Q. Would you say so far as the rights of the inmates are concerned, that the inmate officer system operates justly with reference to inmates that are tried before and condemned by court-martials, where an inmate officer is a member of the to decide as any other court that could be formed.

Q. As I understand it, when this large number of men were transferred to Auburn prison, several of those were inmate officers? A. There was only one inmate officer.

Q. Or paroled officer? A. One paroled officer.

Q. Only one in the whole number? A. One paroled officer.

Q. That was doing official service in the reformatory at the time he was transferred? A. As a paroled officer.

Q. Either inmate or paroled officers? A. There is a difference between inmate and parole.

Q. It operates justly toward a man who has not yet fully been discharged from the reformatory? A. I consider that the court is just as competent to justly arrive at a conclusion as any other court.

Q. Some of those men that were transferred or convicted by this court-martial up to that time were men whom you regarded, so far as their official conduct was concerned, as in good standing and good men? A. Up to the time of that; yes, sir.

Q. Do you think that it is proper and just, and do you approve of the efficiency of a system that will allow one convict or one man who has not been fully discharged from imprisonment in this prison, to declare that another prisoner shall be transferred to another prison, where his confinement may be increased for years? A. You are inferring that is the case, and it is not.

Q. I put just that question to you, and I want to know whether you approve of it or not ? A. The question don't seem to be a fair one.

Q. Halpin was a member of that court? A. True.

Q. Had he received his full discharge? A. No, sir.

Q. Halpin, an inmate of the reformatory, or who had been an inmate of the reformatory, who had not received his full discharge from imprisonment, joined in declaring a verdict or decision which resulted in sending inmate officers of this reformatoary to a State prison, where the imprisonment of those officers was increased a good many years? A. He was one of four.

Q. Do you approve of a system that will permit of such a thing as that to be done ? A. I certainly do.

Q. What have you to say with reference to Mr. Brockway, the superintendent's treatment of the inmates here generally so far as you have observed it, has it been kind? A. It has been very kind and lenient; that I know positively because I have been intimately associated with him in that particular for four years or more; every case that comes up I know more or less about.

Q. You mean so far as his treatment of the inmates has come under your observation? A. Certainly.

Q. Have you ever been present in the bath-room when inmates were punished? A. Yes, sir; perhaps fifteen or twenty times.

Q. Did you ever see the superintendent upon any of those occasions strike the inmate over the head with the strap? A. No, sir.

Q. Or across the face? A. No, sir.

Q. Or seen the inmates thrown in your presence upon the floor? A. No, sir.

Q. And handcuffed? No, sir.

Q. Or drawn up to the window to be punished? A. No, sir.

Q. In all those cases that you refer to they were cases where nothing but the ordinary punishment with the paddle was resorted to? A. That was all.

Q. As I understand it these inmate officers themselves are in the scale of advancement? A. Yes, sir.

Q. Who may be advanced by favorable marks which they may receive in connection with the performance of their duties in the reformatory and in regard to their observance of various rules which they are required to observe? A. The expression "favorable marks" I don't understand what you mean by that.

Q. Marks which would give them promotion? A. Their promotion depends upon their efficiency and faithfulness.

Q. Don't those marks depend very much upon the faithfulness or the character which they manifest in connection with the reports which they make, from time to time in relation to the men that are placed under them? A. Do you refer to the number of reports?

Q. Are they not frequently advanced because of the close attention which they give to their duties as inmate monitors? A. Yes, sir.

Q. It is expected of them that they will report faithfully every violation of the reformatory rules? A. Yes, sir.

Q Are you aware of the fact that there are in the neighborhood of from four to five hundred rules which the officers and inmates of the reformatory are to observe? A. I don't know the exact number; I know there are a number of rules.

Q. Can you give an estimate of about the number they are required to observe; how many rules are there which an inmate

is to observe in order to be entitled to advancement? A. That is a very hard question to answer.

Mr. Babcock.—I submit the book shows the rules.

Q. Can you give us any idea of the number of rules either printed or those which are not printed which the officers, together with the inmates, are required to observe in order to fully perform their duties and in order to fully comply with all the requirements of the institution? A. I should judge in the neighborhood of a hundred.

Q. Would you say positively that there is not at least 436? A. Certainly I can say that I know there are not that many rules.

Q. Have you ever counted up the rules that are laid down in the printed book of rules? A. No, sir.

Q. Is the printed book of rules the rules now of the reformatory? A. That portion entitled general rules are now in force.

Q. Are there any other printed rules furnished to the inmates than those contained in that book? A. No.

Q. These printed rules are not all the rules which are now observed or required to be observed in the institution? A. They are not all of them, but most of those there, except the general rules do not apply; for instance, some of the shops, broom-shop for instance, is no longer running.

Q. Some of the rules are obsolete? A. Yes.

Q. Many of the rules relating to the grade advancement have been cancelled? A. Yes, sir.

Q. Haven't others been substituted in place of them? A. Some but not as many; every inmate upon admission here, in addition to the general talk of the superintendent, I have a long talk with him, an hour or an hour and a half, explaining each case; and ever man is from time to time; every time he goes into the shop the officer in that shop carefully informs him about the rules; he is told anything he does not know about he is to go to the officer and ask him, or is to come to me about it, or go to the superintendent about it.

By Mr. Litchfield:

Q. When that book was printed there was no military organization? A. No.

Q. All the rules relating to military discipline are omitted from that book? A. Yes, sir.

By Judge Gilbert:

Q. Many of the reports that are made against inmates are cancelled against the inmates? A. A great many of them.

Q. Sometimes they are investigated and found not to be true? A. Many times.

Q. Upon other occasions they are cancelled simply because of subsequent good behavior on the part of the inmate or something of that kind? A. Yes, sir.

Q. And by way of encouragement to the inmate to do better? A. Yes, sir.

Adjourned, subject to the call of the committee, the time and place to be announced hereafter.

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Albany, Tuesday, February 13, 1894.

The committee met pursuant to the call of the chairman at the rooms of the State Board of Charities.

Present.—Hon. Edward H. Litchfield.

Appearances.—Deputy Attorney-General F. R. Gilbert, for the State; John H. Stanchfield and E. Babcock, in behalf of the reformatory.

Samuel D. Sample, recalled:

Examination continued by Judge Gilbert:

Q. Did you know an inmate in the Elmira reformatory named Fred Cox, consecutive number 3469? A. Yes, sir.

Q. Were you present at one time in the bath-room when he was punished? A. Yes, sir.

Q. Did you see Berthold strike Cox? A. No, sir.

Q. With his fist or anything else? A. No, sir.

Q. When he left the bath-room was he bruised and disfigured? A. He was not.

Q. You say you were acquainted with this man, Cox? A. Yes, sir.

Q. Was he a bright, intelligent fellow? A. No; I couldn't say he was; kind of a dull fellow.

Q. Rather demented? A. Yes, sir.

Q. Do you know how many times he was punished in the bath-room? A. I couldn't say.

Q. Do you recollect of being present more than once when he was punished? A. I only remember once.

Q. Do you know how many blows he received at that time? A. I do not.

Q. Do you know whether he received them upon any other part of his person than upon his buttoctks? A. Only on his buttocks.

Q. Did he resist, refuse to take the punishment? A. No, sir.

Q. You didn't have to use any force in order to compel him to submit? A. No, sir.

Q. Is there anything particular that you recollect in relation to the transaction that you can state now definitely from recollection, that is, do you have such a distinct recollection of the transaction of Cox receiving this punishment that you can state the particulars from memory or recollection; is there anything connected with that transaction that you now recollect distinctly? A. No; nothing particular about the case; I knew the man.

Q. You say you know that he was punished at one time when you were present? A. Yes, sir.

Q. That is as far as you can state? A. Yes, sir.

Q. Don't you recollect that this man Cox made considerable disturbance in the reformatory by getting into fights with the inmates, etc.? A. Yes; I know Cox to be a quarrelsome sort of man.

Q. Do you know what he was punished for upon this occasion that you refer to? A. I do not.

Q. Do you remember an inmate, William Facey, consecutive number 4954? A. Yes, sir.

Q. Were you present at one time when he was punished? A. I was.

Q. Do you remember what it was for? A. I couldn't tell you.

Q. Was he at that time strung up to the window? A. No, sir.

Q. Was he strung up and raised a foot or so from the floor? A. He wasn't strung up.

Q. He wasn't strung up at all at the time that you saw him? A. No, sir.

Q. At that time did Mr. Halpin slap this man in the face? A. No, sir.

Q. Or strike him at all? A. No, sir.

Q. Do you remember how many blows he received upon that occasion? A. I don't remember that.

Q. Did Facey, at any time, when you were in the bath-room, faint, and did you use water in trying to restore him? A. No, sir.

Q. Did anything of that kind occur in your presence? A. No, sir.

Q. Did you, at any time, lead this man, Facey, to the solitary or see him led by any of the officers to the solitary? A. No, sir.

Q. I understood you to say that you don't recollect what he was punished for? A. No, sir.

Q. Wasn't he punished for the purpose of compelling him to state what he knew in reference to the improper conduct in the reformatory? A. I don't know.

Q. Don't you recollect any conversation that transpired while he was in the bath-room receiving the punishment? A. No, sir.

Q. Nothing that was said or done that indicated to you what he was being punished for? A. No, sir.

Q. Can you recollect who else was present besides yourself and Facey? A. Mr. Halpin and the superintendent.

Q. Don't remember anyone else? A. No, sir.

Q. Do you recollect any of the particulars relating to that transaction? A. No, sir.

Q. Do you mean to say all you recollect about it is that you remember his being taken into the bath-room, you were present and that he was punished? A. Yes, sir.

Q. You state positively at that time he was not strung up or raised off the floor? A. He was not.

Q. Do you say you didn't lead him away; do you remember who did go away with him when he went to his cell from the bath-room? A. No, sir; I couldn't say.

Q. Don't remember anything about that? A. No, sir.

Q. Or what his condition was when he was taken away? A. You asked me if he fainted; he didn't faint; his condition was so that he could walk.

Q. Do you remember the particulars with reference to the punishment that he received? A. It wasn't severe; some people might call it severe; probably he got four or five or six spats.

Q. You say probably he got four, or five, or six spats, but you don't recollect how many he did receive? A. No, sir.

Q. Why do you think it wasn't severe? A. L. X L and like that; he didn't get any such punishment as that.

Q. You judge from the number of the blows that were administered; it wasn't a severe punishment? A. No.

Q. Do you recollect particularly with reference to the force of the blows or the effect of the blows upon the boy? A. No, sir.

Q. From your experience you judge when the blows are LL, then the punishment is pretty severe? A. Yes, sir.

Mr. Hoppe.— I wish to read from the record that 4954, William Facey, was spanked only once while at the reformatory, on January 7, 1893, D blows. It was in connection with that investigation, but the record doesn't show except that he committed that offense during that month.

Judge Gilbert.— The record shows this punishment was the one he received in connection with that investigation?

Mr. Hoppe.— It was on that date; yes, sir.

Q. Do you remember inmate, Walter E. Lewis, consecutive number 4861? A. Yes, sir.

Q. Were you in the bath-room at one time when he was punished? A. Yes, sir.

Q. Do you remember about what was the age of this lad? A. No, sir.

Q. Did you, at that time, throw this man, Lewis, out of the bath-room? A. No, sir.

Q. Or push him out? A. No, sir.

Q. Or strike him? A. No, sir.

Q. Did the superintendent, upon that occasion, strike Lewis, except with the paddle? A. No, sir.

Q. Or kick him? A. No, sir.

Q. Did any one of the officers upon that occasion strike him or kick him? A. No, sir.

Q. Did this man at that time resist? A. No, sir.

Q. Do you say that force was not used to compel him to submit to the punishment? A. No, sir.

Q. It wasn't? A. No, sir.

Q. Can you remember any of the details or particulars relating to that punishment? A. No, sir.

Q. Can you call it distinctly to mind so that you have a distinct recollection of this man being taken to the bath-room, the manner in which he was punished and the manner in which he was taken from the bath-room? A. Yes, sir.

Q. You have a distinct recollection in reference to those things? A. Yes, sir.

Q. You don't recollect the lad sufficiently to be able to state about what his age was? A. I couldn't say how old he was.

Q. About what was his age? A. It is hard to tell a colored man's age.

Q. Do you know where this man is now? A. Yes, sir; in the reformatory; working in the pipe shop.

Q. Do you know what grade he is now in? A. I believe in the black suit, lower first grade.

Q. Do you know whether he was ever punished more than once or not? A. Only once, that I can remember.

Q. Do you remember how many blows he received at that time? A. No, sir.

Q. Do you remember an inmate, James J. Newman, No. 5001? A. Yes, sir.

Q. Do you remember being present upon one occasion when he was punished in the bath-room? A. Yes, sir.

Q. Was he strung up? A. No, sir.

Q. Were the handcuffs put upon him? A. No, sir.

Q. You say he was not strung up so that his toes only touched the floor? A. He was not strung up.

Q. Did Mr. Brockway upon that occasion strike him with anything besides the paddle? A. No, sir.

Q. Did Mr. Brockway strike him in the face? A. No, sir.

Q. Did he strike him across the face with the paddle? A. I can't remember whether he did or not.

Q. So that his mouth bled? A. I couldn't say.

Q. Do you remember of his being punished in any way in the bath-room so that he bled from the mouth? A. No, sir.

Q. Do you know of his receiving any wound or bruises which created a scar? A. No, sir.

Q. By any punishment which he received in the bath-room? A. No, sir.

Q. Or anywhere else in the prison? A. No, sir.

Q. Were shackles placed upon his feet to prevent his kicking while being punished? A. No, sir.

Q. Did you ever see any inmate while in the bath-room struck across the face or in the face either with the strap or anything else, causing the inmate to bleed from the mouth? A. No, sir

Q. Were you ever present upon more than one occasion when this man, Newman, was punished in the bath-room? A. I can remember only once.

Q. Do you remember when that was? A. No, sir.

Q. You only remember being present once? A. Yes, sir.

Q. Do you remember the particulars relating to that punishment? A. No, sir.

Q. Can you state the number of blows he received? A. No, sir.

Q. Or with what force tney were given? A. No, sir.

Q. You didn't mean to state that you never saw any inmate while in the bath-room struck across the face with the paddle? A. No; you asked me in the mouth.

Q. This man was punished February 18, 1892, H blows, and also May 27, 1892, L blows, as appears from the record; record of scars when he came into the institution; scar on right forearm forefinger next to index finger, right hand; on left hand; on left wrist; scar on back; under right ear; scar on left ankle; scar on left foreleg.

Q. Do you remember an inmate by the name of Thomas J. Lumsden, No. 5072? A. Yes, sir.

Q. Were you ever present when he was punished in the bath room? A. I was.

Q. Was he ever at any time kicked or punched by you or Halpin? A. No, sir.

Q. Never by Halpin in your presence? A. No, sir.

Q. Was he at one time punished in the bath-room until he was unable to stand and sank down upon the floor? A. No, sir.

Q. Were the handcuffs at any time put upon him in order to string him up to the window or place where he was to be punished? A. No, sir.

Q. Was he at any time struck in the face with the strap in your presence? A. No, sir.

Q. Have his eyes blackened by blows of that kind? A. No, sir.

Q. Was he ever struck across the abdomen in your presence? A. No, sir.

Q. By the superintendent; did Halpin upon one occasion in your presence kick this man in the head? A. No, sir.

Q. Did you ever at any time help him or go with him to the subdue him in order to compel him to take the punishment? A. No, sir.

Q. Did you ever at any time help him or go with him to the bath-room from his cell? A. Yes, sir.

Q. Was he in such a condition that you had to help him? A. No, sir.

Q. Do you know of this man receving any blows upon his head or neck that injured his neck? A. No, sir.

Q. Do you know of his ever being struck across his stomach with a strap or anything else? A. No, sir.

Q. Do you remember how many times this man was punished in the bath-room? A. Twice while I was there.

Q. Sure that he was punished twice in the bath-room? A. Yes, sir.

Q. Do you recollect the particulars relating to each transaction, each punishment? A. No.

Q. You remember distinctly he was punished twice? A. Yes, sir.

Q. Do you remember whether you were present at both punishments? A. I was.

Q. Do you know how many blows he received the first punishment? A. No, sir.

Q. Can you give any idea? A. No, sir.

Q. Can you tell what he was punished for either time? A. I believe one time he was punished for having crooked newspapers.

Q. Do you know which papers those were? A. I couldn't say the name of the paper.

By Mr. Litchfield:

Q. And what do you mean by crooked newspapers, newspapers obtained in a crooked manner? A. Yes, sir.

Q. It does not refer to the character of the paper? A. The way in which they were obtained.

Q. Obtained surreptitiously? A. Yes, sir.

By Judge Gilbert:

Q. Do you know what he was punished for on another occasion? A. I couldn't say.

Q. You are positive he was punished twice in the bath-room? A. Yes, sir.

Q. By use of the strap? A. Yes, sir.

Q. Do you know what month that was? A. No, sir.

Q. Do you remember what year it was? A. I couldn't say positive; it was either 1892 or 1893.

Q. Do you think that he received the first time twelve blows? A. I couldn't say the number of blows.

Q. That he received the second time L blows? A. I can't say.

Q. If the record should show he received upon each occasion L blows you wouldn't dispute it? A. No, sir.

Q. But you would say the punishment in your experience was quite severe? A. From my experience; yes.

Q. You refer to your experience with Wimnie? A. Yes, sir.

Q. Do you remember John W. King, 5096? A. Yes, sir.

Q. Were you present when he was punished in the bath-room? A. I don't remember whether I was or not.

Q. King stated in his evidence that the second spanking he received, upon that occasion that he was kicked by the superintendent on the knee and struck by Halpin on the side of the head, and showed a scar on knee where he claimed he was kicked and stated in your presence; have you any recollection? A. I have no recollection of the man ever being spanked at all.

Q. Did anything of that kind ever occur in your presence? A. No, sir.

Q. You can say that positively? A. Certainly.

Q. Do you remember whether this man resisted when they were attempting to punish him? A. I wasn't there and I don't remember the case at all.

Q. There were instances when the inmates resisted and the officers in trying to subdue them strike them and kick them? A. Yes, sir.

Q. Upon those occasions the inmates were struck and kicked? A. Not kicked by me or no other man in my presence.

Q. But were struck? A. Yes.

Q. As you stated before anywhere where you could hit them and subdue them? A. Yes, sir; to subdue them.

Mr. Hoppe.—The record of 5096, John W. King, shows that he was never spanked. When admitted to the reformatory he had the following scars: Scar on right knuckle; right forearm; left forefinger and thumb, top of left hand; left wrist; left elbow; left side; back of head; large scar on left instep.

Q. Do you remember an inmate named Quinn, number 5178? A. Yes, sir.

Q. Do you remember the horsehair chain difficulty? A. Yes, sir.

Q. Were you present at a time when he was punished in connection with that? A. Yes, sir.

Q. Do you remember who else was present? A. Mr. Brockway, Mr. Halpin and myself.

Q. Was Lazenby present? A. No, sir.

Q. You state that you were present upon that occasion? A. I was; yes, sir.

Q. Did Mr. Halpin, or the superintendent, or yourself knock this man, Quinn, down upon that occasion? A. No, sir.

Q. Was he struck at all except with the paddle? A. No, sir.

Q. Was he kicked by Halpin? A. No, sir.

Q. Or yourself? A. No, sir.

Q. Did the superintendent say, " Give it to him but do not mark him?" A. No, sir.

Q. Or use any language of that kind? A. No, sir.

Q. Did this Quinn upon that occasion faint? A. No, sir.

Q. Or appear to faint? A. No, sir.

Q. Did he bleed from the nose or mouth? A. I don't remember it.

Q. Would you say that he was not one of the number which you say did receive blows across the nose, which caused blood to flow? A. I don't say that he was hit over the face.

Q. My question is, do you say he was not one of those that you say was hit in your presence across the face? A. He probably was hit across the face; I can't say whether he was or not.

Q. Did he bleed from the mouth? A. No, sir.

Q. Was he at any time in your presence hoisted from the floor by the shackles and rope? A. I don't remember.

Q. Was he ever at any time hoisted from the floor twelve inches? A. I don't remember.

Q. Was he at any time taken to the bath-room in your presence and after the superintendent had spoken to him the superintendent kicked him and let him go? A. The superintendent in my presence never kicked a man in his life.

Q. Did you ever know of a man being hoisted twelve inches from the floor? A. No, sir.

Q. How high is the highest you have ever known one to be so raised from the floor? A. So that his toes could touch the floor.

Q. That is the highest you have ever known? A. In one or two instances I saw a man with his feet off of the floor, but that wouldn't be from the pulling up; he would draw himself up.

Q. By drawing his limbs up? A. Yes; and drawing his arms up.

Q. Do you know why it was that in those two cases you refer to the inmates drew themselves clear from the floor? A. I couldn't say.

Q. Couldn't tell anything about it? A. No, sir.

Q. Do you know how long they remained strung up, those two? A. Oh, probably three minutes.

Q. During the time that they were receiving the punishment? A. Yes, sir.

Q. Have you a pair of those shackles with you? A. No, sir.

Q. Do you know whether there is a pair of them similar to those used? A. Any pair of police handcuffs.

Q. You don't mean to say their feet were off the floor that length of time — three minutes? A. Oh, no.

By Mr. Babcock:

Q. Do you remember an inmate named Edward A. Theal, consecutive number 5216? A. Yes, sir.

Q. Theal, when a witness, testified he had no scars on the body when he entered the reformatory; we want to put in the record at the time he entered the reformatory; he had a scar on the left thumb and forefinger and ring finger; on left wrist; on right and left hand; back of head; between the eyes, and right shoulder.

By Judge Gilbert:

Q. Do you remember an inmate by the name of Harry Pearce, consecutive number 5344? A. Yes, sir.

Q. Were you ever present when he was punished in the bath-room? A. Yes, sir.

Q. More than once? A. Twice I can remember.

Q. Do you remember what he was punished for upon those occasions? A. He was punished one for assaulting an officer.

Q. The other occasion what for? A. The other was for continually making mistakes in putting up the wash in the laundry, after he had been thoroughly instructed how to do it.

Q. Did you ever see him handled roughly by either Halpin or Murphy in the halls? A. No, sir.

Q. Did you ever see him carried out of the bath-room by two officers? A. No, sir.

Q. One holding his head and the other his feet? A. No, sir.

Q. Did you see him afterwards with discolored face and his eyes swollen or closed? A. No, sir.

Q. Anything of that kind? A. No, sir.

Q. Ever see bruises upon his face of any kind indicating he had received severe punishment in the bath-room or anywhere else? A. No, sir.

Q. Did you at one tiine accompany him from the bath-room to his cell when he had been punished? A. I don't remember.

Q. Do you remember whether this man, Pearce, was deaf or not? A. I believe the man is deaf now.

Q. Do you know whether he was deaf at the time he received the punishments or not? A. He was not.

Q. Do you remember whether he received blows upon any other part of his person than his buttock? A. That is all.

Q. You remember distinctly he was not struck across the head with the strap? A. No, sir; he was not.

Q. Or across the face with the strap? A. No, sir.

Q. Do you remember how many blows he was struck upon each these occasions? A. No, sir.

Q. Do you recollect distinctly that he is not one of the number that you referred to the other day as receiving blows over the head or across the face? A. In my presence, Pearce was never struck across the head with the strap

Q. Nor across the face? A. No, sir.

Q. Do you remember the inmate, Murray, No. 5355? A. Yes, sir.

Q. Were you present at any time when Murray was punished in the bath-room? A. I can remember once.

Q. Was he upon that occasion struck upon any part of his person than upon his buttock? A. I couldn't say.

Q. Did he receive a blow upon the cheek from which the blood ran? A. No, sir.

Q. Was he struck in the face or upon the cheek with anything? A. I don't remember.

Q. Was he struck with anything that cause an abrasion of the skin? A. I don't remember.

Q. Did you ever see Murray with a wound or cut upon his cheek? A. I don't remember.

Q. Received in the bath-room or anywhere else? A. No, sir.

Q. Caused by a blow from the superintendent or any other person? A. No, sir.

Q. Did you ever see this man Murray's back after he had been punished? A. No, sir.

Q. Do you remember whether this man Murray was sick at the time he was punished? A. He was not.

Q. Do you remember whether he had a bunch under his arm or not? A. He did not.

Q. Do you know anything about that? A. No, sir; I know nothing about that bunch.

Q. Do you mean to say that he did not have a bunch under his arm at the time he was punished or that you didn't know? A. I didn't know that he had.

Q. Do you remember a man by the name of Henry Schultz, No. 5356? A. Yes, sir.

Q. Were you present at the time he was punished? A. Yes, sir.

Q. Do you remember what paddle was used? A. The old paddle.

Q. Was a strap used upon this man, Shultz, which was made of two separate straps attached to a handle? A. No, sir.

Q. Did you ever see any strap of that kind? A. No, sir.

Q. Was any strap of that kind used in your presence? A. No, sir.

Q. When did you first go to the reformatory? A. Eighteen hundred and eighty-seven.

Q. Do you remember an inmate name John Lynch, consecutive No. 5892? A. Yes, sir.

Q. Were you present when he was punished in the bath-room? A. I don't remember.

Q. Do you remember of his being taken to the bath-room and receiving a blow over the head or across the face? A. I don't remember whether he was ever in the bath-room or not.

Q. Do you remember an inmate named Daniel Leahey? A. Yes, sir.

Q. Were you ever present when he was punished? A. Yes, sir.

Q. Was he at that time knocked down, a tooth knocked out? A. No, sir.

Q. By either you or Halpin? A. No, sir.

Q. Were you and Halpin both present at the time he was punished? A. Yes, sir.

Q. Was he punished more than once? A. Yes, sir.

Q. Do you remember how many times? A. I could say positively three or four.

Q. When you were present? A. Four times.

Q. Do you remember distinctly what occurred each time? A. No, sir.

Q. Do you remember whether upon any one of those occasions you were obliged to use force to compel him to submit to the punishment? A. Yes, sir; we had hoisted his hands up to the window sill.

Q. With the shackles and strings? A. Yes, sir.

Q. Do you remember whether he was raised from the floor or not? A. He was not.

Q. Do you know who held the rope while he was being punished? A. I think I did.

Q. Did it usually require more than one to string a man up, to hold the rope? A. Oh, no; one man.

Q. You are quite positive upon that point; you held the rope? A. Yes, sir.

Q. And that you did not draw up off the floor? A. No, sir.

Q. Was he kicked by you upon that occasion or upon any occasion? A. No, sir.

Q. Either in the face or anywhere else? A. No, sir.

Q. Did you ever knock or kick out one of his teeth? A. No, sir.

Q. Did you ever use force more than once to compel him to submit to the punishment? A. We probably have hoisted his hands up to the window-sill two or three times.

Q. What I meant was this, did you use force in order to compel him to go to the window or take the position that he was required to take in order to receive the punishment? A. No, sir.

Q. You never did? A. No, sir.

Q. Wasn't he thrown upon the floor at different times? A. No, sir.

Q. Wasn't he upon the floor at different times when in the bath-room? A. No, sir.

Q. And never was struck by either one of you? A. No, sir.

Q. Except by Mr. Brockway? A. Only by Mr. Brockway.

Q. Either for the purpose of compelling him to submit to the punishment or anything else? A. No, sir.

Q. Why do you recollect that particularly with reference to this man? A. Well, one man would take hold of the boy while they put his handcuffs on him and brought him up to the window.

Q. He was a very small boy? A. Probably 125 or 130 pounds; house of refuge.

Q. A boy of that size you officers could handle very easily without resorting — ? A. (Interrupting.) The man wouldn't show fight; to make him stand up there we put the handcuffs on his hands, and hauled him up to the window-sill.

Q. Did you ever seize this man by the throat to keep him from making a noise? A. No, sir.

Q. Either in the bath-room or anywhere else? A. No, sir.

Q. Was this one of the inmates that drew his feet up from the floor? A. Yes, sir.

Q. Did he do it upon more than one occasion? A. I can only remember one occasion.

Q. That was while you had hold of the rope? A. Yes, sir.

Q. Why did you string him up if one or two of you could hold the boy? A. We merely put him up there in position so the superintendent could spank him; he wouldn't stand up; would throw himself around.

Q. What did he do, showing he wouldn't stand up or was unwilling to receive the punishment? A. He would go up to the window and turn around and run around the room; we merely put him up there in position.

Q. You would catch him and take him to the window and put him in position? A. Yes, sir.

Q. He failing to keep the position, you put the cuffs upon him and held him up? A. Yes, sir.

Q. Isn't it true that upon one or two of those occasions he fell upon the floor or sank down upon the floor? A. Not when he was up to the window.

Q. Before he was strung up? A. He probably did.

Q. Wasn't that one of the reasons why you put the handcuffs upon him? A. Yes, sir.

Q. So as to hold him up in position? A. Yes, sir.

Q. Do you know that he didn't sink down upon the floor for the reason that he was exhausted and couldn't stand up? A. Oh, no; not because he was exhausted.

Q. Why do you say that? A. Because he wasn't.

Q. How do you know he was not exhausted? A. The man walked out of the bath-room all right; he wasn't exhausted.

Q. Do you recollect upon each occasion that he walked out of the bath-room without any assistance from any one? A. Yes, sir; he did.

Q. I understood you to say you were present some three or four times when he was punished? A. Yes, sir.

Q. You think about three times cuffs were put upon him to hold him up? A. Yes, sir.

Q. Do you remember of his being punished more than four times? A. I couldn't say whether he was or not.

Q. Do I understand you to say that after it became a part of your duty to be present when these punishments or treatment was applied in the bath-room, that you almost invariably was present when an inmate was so treated? A. Yes, sir.

Q. So far as this man is concerned you can only remember now four or five times, is that what you say? A. Yes, sir.

Judge Gilbert.—They wish to put in the record. Spanked at the reformatory as follows: May 18, 1892, D blows; May 30, 1892, D blows; July 14, 1892, L blows; July 21, 1892, H blows; September 15, 1892, E blows; October 17, 1892, L blows; October 24, 1892, L blows; November 17, 1892, F blows; November 26, 1892, E blows; December 19, 1892, K blows; January 24, 1893, D blows; February 6, 1893, H blows; February 27, 1893, L blows; March 24, 1893, E blows; June 16, 1893, L blows; June 28, 1893, D blows.

The record also shows that he was reported for participating in fifteen different fights.

Q. Since your memory has been refreshed by reference to the record, what do you say now in relation to the number of punishments that you can recollect that this man received; can you remember any more? A. No, sir.

Q. Upon the occasions when the inmates were punished in the bath-room were more than two of the officers present in the room with the superintendent? A. There might have been times three.

Q. What was the rule generally? A. Two.

Q. Was that the rule that only two officers should be present with the superintendent? A. That is generally the rule.

Q. What was the cause, or why at times were more than two officers present with the superintendent or besides the superintendent? A. There was no need of it; when I went in the hall Mr. Halpin and Mr. Winnie was in the hall; when I went in the hall I went to the bath-room; I was probably two or three weeks along with Mr. Winnie and Mr. Halpin; after that no one only Mr. Winnie and myself went in; Mr. Halpin stayed out.

Q. So that generally, so far as your knowledge goes, you and Mr. Winnie were the ones that were usually present when Mr. Brockway administered this treatment? A. While Mr. Winnie was connected with the institution.

Q. After Mr. Winnie left, who? A. Mr. Halpin and myself.

Q. Before Mr Winnie left Winnie and Halpin usually were present with the superintendent, were they not, and you were only present for the purpose of learning what your duties were when you came to take the official position? A. Something like that.

Q. Does that cover the period when you say at times there were three officers present besides the superintendent? A. Yes.

Q. After it became the part of your duty to attend, do you remember any occasion when there was more than yourself and Winnie, or yourself and Halpin present besides the superintendent? A. No; of course after Mr. Halpin left I was in there with Mr. Lazenby; but generally the rule was two men were in with the superintendent.

Q. Were there any occasions when, because of the stubbornness, or viciousness, or the unwillingness on the part of the inmate to submit to the punishment, that it was necessary for more than two officers to be present besides the superintendent? A. No, sir.

Q. In all those cases you and your associates officers were able to subdue the inmate? A. Yes, sir.

Q. Who usually took the inmate to the bath-room and who accompanied him to the cell again after he received his punishment, either you or Halpin? A. The head hall keeper.

Q. So that the officers in the bath-room would receive the inmate to be punished from the head hall man? A. Yes, sir.

Q. After the punishment he was turned over to the head hall man to be taken to his cell again? A. Yes.

Q. Do you know of any instance where more than one hall man accompanied the inmate to the bath-room and accompanied him again to his cell? A. No, sir.

Q. Never knew of an instance where there was more than one? A. No, sir.

Q. Did the hall man sometimes step into the bath-room and would he be present? A. No, sir.

Q. He was not allowed to be present? A. No, sir.

Q. Were there inmates allowed to be present while an inmate was being punished? A. No, sir.

Q. How many were the gross number of inmates you ever knew to be punished upon one occasion in one batch? A. One matinee?

Q. Yes? A. I couldn't come down to the exact number; I have seen as high as six or seven men.

Q. Punished in one afternoon? A. Yes, sir.

Q. As I understand, these punishments were usually inflicted between 1 and 2 o'clock? A. Yes, sir.

Q. Do you remember any occasion when they were inflicted at any other hour of the day? A. No, sir.

Q. Always between 1 and 2 o'clock? A. Yes, sir.

Q. The highest number that you have ever known to be punished at one time you say was seven? A. I will say seven.

Q. The highest number of blows which you have ever known to be given was twelve? A. Yes, sir.

Q. Do you understand the method of representing upon the records the number of blows that were given at these punishments; that they were represented by letters, each letter indicating a certain number of blows? A. I knew nothing about that.

Q. So that during the time these punishments were being given you didn't know that L represented twelve blows; the L X represented more than twelve blows? A. No, sir.

Q. Did you, yourself, keep any memorandum or record of the number of blows that were inflicted? A. No, sir.

Q. Did you ever at any time count them? A. No, sir.

Q. You don't mean to say, from any memorandum you made at the time the punishments were inflicted, that you know there never was more than twelve blows inflicted? A. I couldn't say.

Q. It is merely from recollection and impression? A. Yes, sir.

Q. You used the term "matinee;" is that the expression or term used through the reformatory? A. I thought I would help you out; you said "batch."

Q. Among the officers was this punishment known as the reformatory matinee? A. No.

Q. It is a term you applied yourself? A. Yes.

Q. I think I asked you the other day about how many cases you can recollect, or instances you can recollect, where the inmate refused to submit, and you had to use force to compel him to receive the punishment; you stated the other day about the per cent? A. Yes, sir.

Q. What was the per cent? A. I believe about one per cent.

Q. Of the whole number? A. Yes.

Q. The whole number during the three years that you have been performing duties in the bath-room was about 800? A. Between 600 and 800.

Q. This term "matinee" is not an original term with yourself; it is one you have gathered from these newspapers? A. You spoke of an afternoon seance; I merely made that remark.

Q. They wish to know whether this is a term that prevails in the institution? A. No.

Q. Either among the inmates or the officers? A. No, sir.

Q. Isn't it true that among the officers, in speaking about their bath-room experiences and so on, that they have sometimes spoken of them lightly; that is, that Mr. Brockway or the superintendent was going to hold a matinee in the bath-room? A. I wouldn't allow an officer to talk to me about the bath-room.

Q. Would you hear it spoken about in a joking or light way? A. No, sir; they don't joke around where I am.

Q. I mean among the officers; do you mean to say you officers are always so sedate you never joke with each other? A. Certainly we joke.

Q. Don't you sometimes in speaking of these experiences of the bath-room discipline, and so sometimes refer to it as a matinee? A. We never talk shop when we are out.

Q. Why is it you always speak of the bath-room in a serious way? A. We never talk about the bath-room.

Q. Never speak of it among yourselves; never even speak or say anything to each other with reference to the punishments that are inflicted there? A. No, sir.

Q. Or their severity or anything of the kind? A. No, sir.

Q. So far as your knowledge of what occurred in the bath-room is concerned you have always kept it to yourself? A. Yes, sir.

Q. You never impart any of the information you received there to other officers? A. Oh, no.

Q. Did you ever discuss the matter with Winnie when he was your associate in the bath-room? A. No, sir.

Q. Or Mr. Halpin? A. No, sir

Q. You say you never discussed it with Mr. Winnie? A. No, sir.

Q. With reference to the propriety of punishing inmates that way or the severity of the punishment? A. No, sir.

Q. How was it that you and Winnie came to experiment upon each other in the manner that you did? A. That was for our own curiosity.

Q. What was it that led to the awakening of your curiosity to that extent that you would strip yourself and submit to that kind of punishment? A. I believe I told you before at the other meeting.

Q. Whether or not it isn't true that the officers did talk with each other in relation to the punishment which inmates received in the bath-room? A. Oh, I remember; yes.

Q. Didn't you also sometimes speak to each other with reference to their severity? A. No, sir.

Q. And with reference to the apparent suffering of the inmates? A. No, sir.

Q. Wasn't that one reason why you were experimenting upon each other to see whether or not the pain was as severe, or great as it appeared to be from the actions of the inmates while receiving the punishment; isn't that one thing? A. Yes; for our own curiosity; morbid curiosity.

Q. Did you ever see a case of spanking in the bath-room which you considered cruel or unreasonable? A. No, sir; never.

Q. That is, as you stood and looked on and saw it you considered it proper and reasonable? A. Yes, sir.

Q. How do you reconcile your last answer with the statement which you made in connection with the punishment which you submitted to, viz., that when you received six blows you received all you wanted and all you could stand? A. That is all I wanted.

Q. And all you could stand? A. Oh, no; it wasn't all I could have stood.

Q. How do you reconcile the two statements when you say an inmate would receive twelve blows or more, that that was not severe punishment; when you say you had all the punishment you wanted when you had received six blows? A. In one sense of the word, I consider those blows I got was a good deal harder than some of the blows those boys got.

Q. Do you mean to say that the blows the boys received, that none of the boys received blows as hard as those you received? A. No; never; not one of them.

Q. Were your buttocks black and blue? A. No, sir.

Q. Was the skin broken upon them? A. No, sir.

Q. Did they bleed ? A. No, sir.

Q. If the blows the inmates received were of sufficient force to make black and blue marks across their buttocks wouldn't you say those blows were severer than those you received? A. No, sir; I couldn't say so.

Q. In other words, while you were receiving the blows you thought the punishment was severe, but while you were standing looking on after you had witnessed about 800 different punishments you didn't think they were severe; isn't that about it? A. Oh, no.

Q. You spoke of several instances where you saw blows struck across the inmate's face with the strap? A. Yes, sir.

Q. Instances where the blows were sufficiently severe to cause the blood to flow, do you say that was not severe punishment? A. From the nose.

Q. You stated at Elmira, upon your former examination, that from one to two per cent of those that were punished were struck across the face with the strap with such severity as to cause blood to flow from the nose; now, I ask you to say if that was proper punishment? A. Yes, sir.

Q. That, in your judgment, wasn't severe? A. No, sir.

Q. You would say it wasn't severe punishment to strike an inmate upon the side of the head with the handle of the paddle so as to cause a wound? A. I never saw a man hit that way.

Q. You were referring to the punishments which you yourself saw inflicted? A. Yes, sir.

Q. You never saw a punishment of that kind? A. No, sir.

Q. You don't mean to say if punishment of that kind was given that it was not severe and inhuman? A. I never saw it.

Q. I am requested again to call your attention to a seeming discrepancy between your statement and Mr. Winnie's; as I understand it, he stated that you punished him first and he punished you last, while you stated he punished you first and you punished him last? A. It didn't occur to me at all until I saw it in the paper; I will tell you how it was, Judge; he spanked me first.

Q. And you spanked him last? A. Yes, sir.

By Mr. Litchfield:

Q. You adhere to the statement that you made in Elmira? A. Yes, sir.

Q. You testified you were the one that was spanked first? A. Yes, sir; I believe Mr. Winnie says he spanked me first.

Robert J. Davison, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Where do you reside? A. Bath, N. Y.

Q. What is your present occupation? A. I am a contractor and builder.

Q. How long have you been engaged in that business? A. I think upwards of eighteen to twenty years.

Q. Have you ever been connected with the Elmira reformatory? A. I have.

Q. In what capacity? A. I had charge of the north wing extension.

Q. For how long a time? A. I was there about twenty-one months; from that to two years; I went there in 1890; I think the second of June.

Q. While engaged in that work, did you have inmate laborers under you? A. I had.

Q. About how many? A. From eighty, I think, to 130 or 140, I think, at times.

Q. Were you at liberty to communicate with them, talk with them? A. I was.

Q. And they with you? Q. Yes, sir.

Q. In reference to various subjects or matters? A. We were not expected to talk on anything but our work.

Q. You were permitted to talk freely with them in reference to the work they were engaged in? A. Yes, sir

Q. Did you also have an opportunity to see a large number of the inmates that were not at work under you? A. My business there called me at all parts of the grounds and buildings; we did all the work there, the iron work, the carpenter work, stone-cutting and all of that done by the different classes, and, of course, I had general supervision of it.

Q. Brought in communication with various departments? A. Yes, sir.

Q. And the inmates engaged in the various departments? A. Yes, sir.

Q. During the entire time that you were there and being brought in communication with the inmates was ever any complaint made to you by any of them in reference to the manner in which they were treated by the superintendent? A. I think not, not that I can remember.

Q. Have you seen the superintendent among the inmates in the different shops and about the buildings and the trade schools and halls, etc.— what do you say with reference to his bearing toward the inmates or his treatment of the inmates as he was

thus brought into communication with them? A. I very often met the superintendent as he was going about the place, and in talking or while talking with him I have seen prisoners come up to him in regard to reports that had been given them.

Q. Reports that had been made against them? A. Yes, sir.

Q. Generally what has been his bearing towards the inmates when they would thus approach him? A. Always very kindly; I have heard him advise them to do as near right as they could, as they were told.

Q. Did you ever, upon any occasion, hear him use harsh and abusive language to the inmates? A. No, sir.

Q. Or profane language? A. No, sir.

Q. Did you ever see him use any violence of any kind toward them? A. I have not.

Q. Or strike the prisoners? A. No, sir.

Q. With anything? A. No, sir.

Q. Have you ever heard him reprimand prisoners, and, if so, in what spirit did it appear to be done? A. I have never heard him do other than to tell or advise them to do as near right as they could, or what was for their own good.

Q. To obey the rules and regulations, etc.? A. Yes; he would always tell them it would depend entirely upon themselves as to how long they were there.

Q. The spirit in which this was done, so far as you observed, was always kindly? A. Yes, sir.

Q. Have you ever seen any of the inmates having upon their faces bruises indicating they had been severely punished? A. No, sir.

Q. Black and blue eyes? A. No, sir; nothing more than eyes that were red if they were sent in at all.

Q. Have you seen inmates as they were sent in to the bath-room? A, Some times they would have occasion from the north wing, if they were disobedient.

Q. Have you seen them soon after they came out of the bath-room? A. Yes, sir.

Q. Have you seen any of those that you know had been taken to the bath-room have afterwards bruises upon their faces indicating they had been severely punished? A. I have not.

Q. You spoke something about red eyes, what do you mean by that? A. As though they might have been crying; they would usually come right back on the work.

Q. Did you ever see an officer strike an inmate? A. Never; I have seen an officer separate inmates, but I never saw them at that time even strike them.

Q. You have seen the inmates quarrel with each other and the officers separating them? A. Yes, sir; one or two occasions an inmate would attack another while at work there.

Q. Have you known of inmates receiving black eyes or bruises resulting from accidents connected with the work? A. I have not; I have known of inmates being injured there while on the north wing in scuffling or something of that kind.

Q. Known them to receive bruises about the heads or faces which caused black or blue marks? A. I don't recall any now.

Q. You never were in the bath-room while an inmate was being punished? A. No, sir.

Q. You know nothing about that? A. No, sir; I do not.

Q. Did you make a practice of conversing with the inmates in reference to the manner in which they were treated at the reformatory? A. I did not; no; it wasn't my business there.

Q. Didn't you know it was against the rules of the reformatory for anyone to do that? A. I did not.

Q. Your judgment taught you not to? A. When I go to work at a place I usually attend to my business.

Q. As I understand it, very much of this work was done by the inmates under you? A. Yes, sir.

Q. You took the contract for doing the work? A. I was simply working there on a salary.

Q. The work was not done under contract? A. No, sir.

Q. No portion of it? A. No, sir.

Q. None of the material was furnished under contract? A. What would you call that?

Q. I call iron, brick? A. We bought it at as low prices as it could be bought.

Q. It was bought by the principal officials under bids? A. We usually got prices from different parties and took the lowest.

Q. As I understand it, the work was all done by the officers of the reformatory, and you superintended the work? A. The work was done by the trade classes, under the supervision of the men in charge of those classes, and I made the drawings or whatever detail work was necessary.

Q. The more skillfully the inmate performed his work the more valuable that inmate was to the State? A. Yes.

Q. If the work was being done under a contract the more valuable the services of that inmate was to the contractor? A. it would be more valuable; we would get through quicker.

Q. And the work that particular workman would do would be of a better class of work? A. Yes, sir.

Q. What, if anything, did you see or observe indicating that it might be for the interest of those in control of the reformatory

to keep, say for instance, A or B continuing in the reformatory for the reason the services he rendered were valuable in any particular department? A. I don't remember any that were kept in that way; we usually had men enough that were coming up that could take charge of the work, and usually the foreman of either trade classes could direct them so that any of the men who had been working any length of time could do that work; the men were coming and going all the time.

Q. You saw nothing indicating that it was a part of the policy of those in charge of the reformatory to keep men in the reformatory longer than was necessary for the purpose of having the benefit of their skilled labor? A. No, sir; I don't recall any.

Q. Did you have any interest whatever in the work that was being carried on there in the reformatory except simply to earn and receive your salary? A. None at all.

Q. During the eighteen months or two years? A. No, sir.

Q. No other interest? A. No, sir.

Q. Have you ever, in any way, been connected with the reformatory since that time? A. I have.

Q. Are you connected with it in any way now? A. I go there once in two, two or three weeks, as the case may be necessary; there is work going on there now.

Q. In which you are interested? A. Yes; that is, I have charge of it; may be once in four weeks.

Q. Have you charge of that work under contract? A. No, sir.

Q. You have charge of it in what capacity? A. Simply as I had before; when I go down they pay me for my time.

Q. You are in short an employe of the reformatory? A. If you can call that it I am.

Q. Have you been rendering service of that character from the time you were first employed down to the present time? A. Might have; I left there, I think, about the 1st of March, 1892; at first I went down.

Q. Therefore, your relations with both the board of management the superintendent and the officers of the reformatory have been friendly? A. Yes, sir; always has.

Q. You only now render services when you are sent for, and you are paid for the time you spend? A. Yes; my time and expenses is all I receive for any services there now.

Q. I am requested to ask you if you are not paid for each visit separately? A. Yes, sir

Q. What is the nature of your employment? A. Well, as supervising architect, or I had general charge of the work.

Q. Mainly now as an architect? A. Yes, sir; in that capacity.

Q. Is that substantially the character of the work you are called upon to perform now at these various visits? A. It is.

Q. Never been employed in any other capacity? A. In no other capacity than that.

Q. What has been going on during the last few months which has required your attendance at the reformatory every two weeks or about once in two weeks as an architect? A. The armory or drill hall.

Q. That is being now constructed? A. Yes, sir.

Q. I am requested to ask what compensation you receive for these visits? A. So much per day.

Q. How much is that? A. Well, usually from five dollars to ten dollars.

Q. Usually? A. At any time, I will say.

Q. Ten dollars is the maximum? A. Yes, sir.

By Mr. Litchfield:

Q. Do you mean to say you receive more one day than another day? A. I usually charge for the time I am away from my business.

Q. You charge so much an hour? A. You might call it that way; if I go away early in the morning and come back at half-past 4 or 5 I wouldn't charge as much as if I came back in the middle of the night.

Q. If you spent a whole day there you would charge ten dollars for that day? A. From five to ten dollars; usually my time and expenses there; I charge it six and a half or seven and a half dollars, just as the expenses may be.

Q. The time outside of the expenses? A. I sometimes charge five dollars and sometimes ten, according to the time I was on duty there.

Q. If you spent half of your working time there you would call it five dollars? A. Yes.

Q. And all of your working time ten dollars? A. Yes.

James W. Lazenby, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Have you been connected with the Elmira reformatory? A. Yes, sir.

Q. Are you connected with it now? A. Yes, sir.

Q. When were you first connected with it? A. Five years ago last September.

Q. Have you been serving there continuously down to this time? A. Yes, sir.

Q. What was your occupation before you came to the reformatory? A. I was employed in the Willard State Hospital.

Q. In what capacity? A. As an attendant.

Q. In what part of the hospital; were you employed in any particular capacity? A. No more than an attendant.

Q. How long had you been employed in that way? A. A little over a year, perhaps fifteen months.

Q. What was the nature of your first employment at the reformatory? A. Guard.

Q. For how long a time did you act as guard? A. A trifle over a year.

Q. After that in what capacity? A. Night watchman.

Q. How long did you act as a night watchman? A. Perhaps a year and a half, possibly, in all.

Q. After that? A. Hall keeper.

Q. How long as hall keeper? A. Since I went off night work.

Q. Down to the present time? A. Yes, sir.

Q. While acting as hall keeper was it part of your duty to visit that part of the prison where the solitary cells are located? A. Yes, sir.

Q. How frequently? A. When there were inmates in there I went in perhaps three or four times a day.

Q. During the night? A. I didn't go in during the night; I was day man.

Q. Do you know what the rules and regulations were with reference to the frequency with which the hall man or watchman were required to visit the solitaries when men were confined in them? A. When I was night watchman I visited the solitaries once in an hour.

Q. What did the rules and regulations require? A. That the night watchman should go there once an hour, the way I understood them.

Q. What, if anything, do you know in reference to men being chained in the solitary, or to the method of chaining men in the solitary? A. By the wrist with a handcuff to a ring in the floor.

Q. In the corner of the room? A. Perhaps a foot or two foot may be from the corner.

Q. Close up to the wall? A. Close up to the wall.

Q. Which hand usually? A. With either hand; if the man was chained on this side of the room so, he would want to lay that way, feet out, right side up to the room; we would chain his right hand up and the other way with his left hand so he wasn't drawn over.

Q. Do you mean to say there was more than one ring in the room? A. No, sir; one ring; there are two rows of rooms, one

faced to the north and one to the south; if a man was on this side of the partition and was laying his feet this way, we would have his right-hand wrist, and if the other way we would have his left hand.

Q. These rings were placed near the partition or dividing wall between two solitaries or cells? A. Yes, sir.

Q. When he was put in one cell he would be chained by his right hand, and when he was put in another cell would be chained by his left hand? A. Chained with the hand what was next to the ring.

Q. So he could lie with his back toward the cell? A. Near the hand which was next to the wall.

Q. Usually how long was the chain that held him? A. An ordinary handcuff; I have never measured them.

Q. You have some idea? A. Perhaps the chain would be four inches; then there would be a ring and then the cuff; the one on his hand would be the one cuffed into the ring; might make a space of eight inches; I couldn't say positive about that; I never measured it at all; he would be able to raise his wrist off the floor perhaps eight inches.

Q. Perhaps not more than six? A. I never measured it; I couldn't tell you; he would have full space, all that the cuff would give him in the ring.

By Mr. Litchfield:

Q. You slipped one end of the cuff around his wrist and the other was cuffed in the ring? A. Yes.

Q. Those two cuffs were separated how many inches? A. I should think the chain was about four inches.

Q. He was held by four inches chain and the diameter of the other cuff and the ring? A. Yes; perhaps four inches more.

Q. Making eight at the outside? A. Yes, sir.

By Judge Gilbert:

Q. Opposite to these cells are some windows on one side? A. Yes, sir.

Q. To those there are tight blinds? A. Yes, sir.

Q. Did you ever know of those being closed? A. No, sir; not so but what there was light.

Q. How nearly closed? A. It was never so dark that I needed any light; I went around there; it was light enough for me.

Q. How was it in the cells? A. They were right in front of the cells, so it would be as light in the cells as in the hall.

Q. What opportunity did you have to see inmates daily that were confined in these solitaries? A. I usually gave them their breakfast and their supper.

Q. What opportunity did you have to see the inmates generally daily through the institution? A. I had a good opportunity to see a large number of them.

Q. About what number? A. I think I could safely say 800 or a thousand, possibly, a day.

Q. Did you mingle with them? A. I was around among them.

Q. Talk with them? A. When it was necessary.

Q. Were the inmates free to converse with you? A. Yes, sir.

Q. On any subject? A. No, sir; if they had any business matters or anything connected with the work.

Q. Were they free to talk to you if they had any complaints to make against the manner in which they were used? A. Yes, sir.

Q. They were free to do that, as you understood the rules? A. Yes, sir.

Q. Have any of the inmates ever complained to you about the general superintendent and punishment or other treatment from him? A. No, sir.

Q. Never? A. No, sir; not to my recollection; I don't remember of a case.

Q. Have you ever seen the superintendent among the shops, halls, school-room and at interviews, and how would you characterize the superintendent's intercourse with the prisoners upon those occasions? A. In regard to the shops I have never seen the superintendent very much in the shop because my portion of the duty is in the hall, and I have never been connected with the shop, but I have seen the superintendent around the halls at interviews and in the school-rooms and his manner among the men; they always seemed perfectly free to talk with him.

Q. Have you heard the superintendent reprimand the prisoners? A. I have heard him talk with them.

Q. What was his bearing towards them? A. Very kind.

Q. Ever hear him use any unkind or abusive language? A. No, sir.

Q. Any profane language? A. No, sir.

Q. Nothing of that kind? A. No, sir.

Q. Never? A. No, sir.

Q. Can you characterize the spirit in which these reprimands were given? A. Very good spirit; I always thought he talked very fatherly to them; I have heard my father talk to me, and I thought he talked very good to them.

Q. You have been present during several of these punishments in the bath-room? A. Yes, sir.

Q. About what length of time has it been part of your duty to be present when those punishments were inflicted? A. I don't understand you.

Q. For how long a time have you been in the habit of attending in the bath-room, or being present when punishments were inflicted there? A. Only a few months, perhaps in April of 1893.

Q. From about the first of April, 1893? A. Not the first, perhaps the fifteenth.

Q. Up to what time, until that kind of punishment was stopped? A. Yes, sir.

Q. About how many punishments in all have you seen inflicted there by the strap? A. At a rough estimate I should think perhaps 175 or 200.

Q. Does that comprise all the punishments of that kind inflicted from about the middle of April to what time? A. When they stopped.

Q. You say from 175 to 200? A. I should think so; I never looked it up.

Q. Do you think you witnessed all the punishments of that kind inflicted between that time? A. There were perhaps four or five days I was away sick, other than that I was there.

Q. When you were on duty you were present at every punishment? A. Yes, sir.

Q. Who usually was there with you? A. Mr. Sample.

Q. Did you ever, upon any occasion, see an inmate struck across his face or over his head by the superintendent with a strap? A. Yes, sir.

Q. How many cases of that kind have you witnessed? A. Very few.

Q. About how many? A. Possibly a dozen or fifteen.

Q. Any of those with sufficient force to cause the blood to flow from the nose or any other part of the head? A. Perhaps two or three different occasions I have seen where a man's nose would bleed.

Q. From the effects of the blow? A. Yes, sir.

Q. Those blows were given by the superintendent? A. Yes, sir.

Q. Is that the part of the fatherly treatment which you referred to? A. Those blows, when they were given, it was caused by the obstinacy of the man.

Q. Was that part of the fatherly treatment which you say you always observed? A. I have been treated that way by my father.

Q. I am not asking you that; I am asking you simply the question as to whether or not you took that into consideration when you were answering the question I put to you at the request of the defense as to what was Mr. Brockway's bearing toward

the inmates upon those occasions, and you said it was always kind and fatherly; now I ask you if you took this treatment into consideration? A. Yes, sir.

Q. Do you know why it was those blows were given over the head or across the face? A. The man was obstinate and refused to obey what he was told to do, was simply to turn his head the other way, and didn't do it, and the superintendent would take the strap and give him a little slap with it; not hard at all.

Q. Across the face or over his head? A. Yes, sir.

Q. Do you mean to say that those blows were always given simply because the man failed to look in the direction that he was told to look? A. All that I ever saw.

Q. And from no other cause? A. No other cause that I knew of.

Q. Do you say those were soft blows where the blows left a black and blue mark? A. I haven't said anything about black and blue marks.

Q. Did you see any black and blue marks caused by blows of that kind? A. No, sir.

Q. Never did? A. No, sir.

Q. Did you ever see the backs of the inmates or buttocks after they had been punished? A. I may have seen two or three.

Q. Describe the appearance of the butocks? A. It was kind of red, the same as you would give your hand a good slap.

Q. You mean to say you never saw any black and blue marks? A. I have never seen any black and blue marks.

Q. Can you name the ones you saw? A. No, sir.

Q. Your name is Lazenby? A. Yes, sir.

Q. What is your first name, James? A. Yes.

Q. Are you sometimes known in the reformatory as "Jimmy the tough"? A. I am never addressed as that by any of the inmates.

(Question repeated) A. I am never addressed as that.

(Question repeated) A. I don't know what I am known by there among the inmates; I have heard it remarked among the officers once in a while; an officer would speak to me something about "Jim the tough."

Q. You are sometimes addressed by the officers? A. Once in a while up in the room someone would look up and say "Hello Jimmy the tough," that is all there is of it; I don't know how it originated.

Q. You don't know why they call you that? A. No, sir; it was three or four years ago I think that came up; when I first went there some one christened me "Jimmy, the tough;" five years ago, I think.

Q. Have you been known by that name since that time? A. It comes up once in a while; I am never addressed by that name.

Q. I am requested to ask you if you know how you came to get that name? A. I think the way I was told it was from my walk they gave me the name of the tough; the tough walk that I have; I don't know of any peculiarity about my walk; I have been walking up and down the corridor and didn't seem to attract any attention much; that is the way it came out; some one made the remark, as I understood it, about my walk being like a Bowery tough when I first went there.

Q. You seemed to have that gait? A. They christened me that name.

Q. Why did you leave the Willard asylum? A. To increase my salary.

Q. You received a greater salary at the reformatory? A. Yes, sir.

Q. Not because of any improper conduct on your part? A. No, sir; none whatever.

Q. You were not discharged? A. No, sir; far from it.

Q. Were you ever arrested? A. No, sir.

Q Or any complaint alleged against you of a criminal nature? A. Not that I ever heard of.

Q. You have never been connected with any institution of a penal character because of any offense which you committed? A. No, sir; never.

Q. Have you ever seen an inmate chained by the feet? A. No other way except by the wrist? A. There was one occasion one morning when I went to the solitary I found a man chained with both wrists, and the next day I think he was transferred to the Auburn Insane Asylum; they chained both wrists for the security of the man; he was taken insane in the night, and some one put him down there; that was the only case.

Q. Have you ever seen an inmate chained by the feet? A. No, sir; never,

Q. How long was the longest time you have ever known an inmate to be chained in the solitary? A. Perhaps four days.

Q. You say perhaps four? A. I wouldn't say over five any way.

Q. Would you say positively not over six? A. Not to my knowledge a man has never been there over five days.

Q. During that time would he be released; you mean continuously? A. As far as I knew.

Q. You would be likely to know if he was released; it would be probably in the day time, wouldn't it? A. I don't know; I have known men to be released at night.

Q. If they are placed in that close confinement whatever liberty is given them it is usually in the day time? A. Not always; no.

Q. I say usually? A. Not usually.

Q. Is it usual to give them the greater liberty in the night time than it is in the day time? A. In a case of that kind I have known men to be released to the freedom of the room at night.

Q. What is it usual for you to do? A. As far as I am concerned I never have noticed any case where a man was released in the day time.

Q. I understood you to say a moment ago while you were acting as hallman, it was your duty during the day-time to visit the solitaries, and what I want to know is whether or not during that time, you noticed whether these men were released, whether they were unchained, allowed to be free in their cells ? A. When a man was put down there and chained down; every man that went down there wasn't chained.

Q. When a man was chained down was he continuously chained until the expiration of three, four or five days? A. As far as I know or as far as I could say positive.

Q. You say these blinds never were entirely closed so as to exclude all light? A. Not to my knowledge.

Q. I observed that the blinds were in two parts, the lower part and upper part? A. Yes, sir.

Q. Do you say there never was any occasion when all the blinds both the upper and the lower part were closed? A. Not that I know of.

Q. With reference to their being chained by the feet, have you ever known them to be chained by their feet to this ring in the floor? A. No, sir.

Q. Or the sliding ring upon the bar ? A. I have never known a man to be chained by the feet.

Q. What have you known with reference to their being chained up to the door? A. That is since the investigation.

Q. You have never known of any instance of that kind before the investigation commenced? A. No, sir.

Q. Always before that they were chained, if at all, to this ring in the corner? A. Yes, sir; or to the sliding ring upon the bar.

Q. So far as you know the only instance where an inmate has been compelled to stand up to the door of his cell and chained to it by his hands is what has been done since the investigation commenced? A. Yes, sir.

Q. Do you know an inmate by the name of John Van Deusen, consecutive number 3356? A. I know a man named Van Deusen.

Q. Were you ever present when he was punished in the bath-room? A. Yes, sir.

Q. More than once? A. I think twice I was there.

Q. Are you sure you were there twice? A. Yes; I was there twice.

Q. Was he punished with a strap? A. Yes, sir.

Q. Was he upon either of those two occasions struck across the face or over the head with a strap? A. No, sir.

Q. Was he struck in the face with such force as to cause the blood to flow? A. Wasn't struck in the face at all.

Q. Either with the strap or anything else upon either of these occasions? A. No, sir.

Q. Do you say that positively? A. Yes, sir.

Q. Who was present at the time these two punishments were inflicted? A. Mr. Sample, myself and the superintendent.

Q. Was this Van Deusen ever strung up? A. No, sir; not while I was there.

Q. Never in your presence? A. No, sir.

Q. Do you know how many blows he received upon these two occasions? A. No, sir.

Q. I understood you to say you only remember two occasions when this lad was punished? A. Yes, sir; that is all I recall; he might have been in once before.

Q. Do you remember about when that was, what month it was? A. No, sir; I don't remember what month it was.

Q. Do you think it was in the month of June, 1893? A. I couldn't say whether in June or May.

Q. Do you remember the number of blows inflicted? A. No, sir.

Judge Gilbert.—The record shows June 12, 1893, he was punished C blows; June 22, 1893, L blows; June 28, 1893, F blows; so that during the time you refer to the record shows this man received only three punishments in the bath-room. Between July 22, 1889, and June 28, 1893, inclusive, he was punished in the bath-room nineteen times.

Mr. Babcock.—The principal offenses at the reformatory on the part of Van Deusen during his stay preceding and in connection with the punishments were lying, refusing to obey, misappropriating a piece of mahogany, frauds at examination, forgery, profanity, creating disturbance at the table, having a knife, misrepresenting to superintendent, sodomy, larceny, writing licentious note; willful disturbance, vile language.

Q. What was the size of this man? A. Perhaps four feet or three and a half.

Q. How much would he weigh? A. Perhaps eighty-five or ninety pounds; might not weigh that much.

Q. You never knew him to be strung up? A. No, sir; never in my presence.

Q. Mr. Babcock.—The record further shows the prisoner was in the house of refuge sixteen months or a year; consecutive number in the house of refuge was 6108.

Q. Do you know an inmate named Samuel Gross, consecutive number 4346? A. I knew an inmate by the name of Gross.

Q. Was Gross punished one time in the bath-room in your presence? No, sir.

Q. Was he at any time kicked by Winne with such force as to send him six or seven feet across the hall? A. Never in my presence; I never heard of it.

Q. Did you ever see the superintendent strike Gross in the face or between the eyes with his fist? A. No, sir; I never saw him strike him at all.

Q. Did you ever see the superintendent kick this man? A. No, sir.

Q. In the testicles or anywhere else? A. I never saw him kick him at all.

Q. Did you ever know this man to become unconscious because of any punishment he received? A I never saw him receive any punishment.

Q. Did this man Gross talk with you or complain to you about a rupture or anything of that kind? A. He complained to me about a pain he had in his testicles; he didn't know what it was or claimed he didn't; one night I was captain of the night watch and he sent word for me by one of my men he would like to see me and I went down to his room and he felt sick and had a pain and was laying on the bed with his clothes off; I know he had his clothes off and he showed me, and of course I was no physician; I thought that was what he had, a rupture; I asked him how long it bothered him and he said it just commenced to bother him that night; that he was sick to his stomach; he had some medicine or something from the doctor that made him sick to his stomach and he had been vomiting; that was the first he felt of it; he thought he had strained himself or something; in fact, he didn't know what it was.

Q. Did he state to you how he had been injured? A. He told me that was the first of it and he didn't know what it was; I asked him how long it had been paining him and he said it began that night.

Q. Had he been vomiting? A. Yes, sir.

Q. Do you know whether he had been punished in the bath-room before that or not? A. He couldn't have been punished; that is recently before that because he was not in the grade where men are punished; I am not sure what grade he was in; he was either in the black or blue suit; and men are not pun-

ished in that grade; all I know of the grade he was in because the block he was locking on we never have any red suit men on that block.

Q. When did that conversation occur? A. In the evening perhaps half-past eight.

Q. What month and year? A. I couldn't say.

Q. Can't you give the year? A. I can't give the year; it was during my time; perhaps 1891; I don't remember what season of the year it was.

Q. Do you know whether he had been wearing a truss before that or not? A. No, sir; couldn't have been because he didn't know what was the matter with him; he couldn't have been wearing a truss or else he would have known.

Q. Did you notify a physician? A. The hospital steward was out and came in perhaps twenty minutes or half an hour after that, and I reported the matter to him.

Q. Do you know whether he gave him anything? A. Yes.

Q. Do you know what he done for him? A. No, sir; I know he was with him some little time; I never was present when Gross was punished.

Mr. Babcock.— It appears in Gross's testimony that Lazenby was present when he was punished.

Recess.

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AFTERNOON SESSION.

James W. Lazenby, recalled:

Examination continued by Judge Gilbert:

Q. Did you know an inmate named James J. Shortel, No. 4594? A. Yes, sir.

Q. Was he ever punished in the bath-room when you were present? A. Yes, sir.

Q. Did he, upon that occasion, receive a blow across the face or over the eye? A. No, sir.

Q. Do you remember about when it was that you were present when that punishment was inflicted? A. June, I think; I couldn't be positive.

Q. Were you present at any time when an inmate was punished prior to about the middle of last April? A. Yes, sir; I had been on perhaps two or three different occasions.

Q. Were you present when Shortel was punished before that time? A. I remember only once when he was punished.

Q. Was that before or after the middle of April? A. I think it was along in June; I couldn't be positive when it was.

Q. Are you positive you were not present in February last when he was punished? A. I remember seeing him punished only once, and it was in June.

Q. Who was present at that time? A. Mr. Sample.

Q. Any one else? A. Mr. Brockway and myself.

Q. Was Halpin present? A. No, sir.

Q. Sure? A. Yes, sir.

Q. Were Halpin and yourself ever together in the bath-room? A. I never remember his being there.

Q. Are you positive you were not? A. I couldn't remember positive; I have no recollection of our being together.

Q. Was this man Shortel, upon the occasion you refer to, punished with the strap? A. Yes, sir.

Q. At that time was his eye injured? A. No, sir.

Q. You say he was not struck over the face? A. Yes; I say he was not struck over the face.

Q. Did Sample, at any time in your presence, interfere in behalf of the inmate and request the superintendent to desist from punishing him? A. I never heard Mr. Sample make a remark to the superintendent of that kind; I never knew him to interfere.

Q. Did you ever hear any one request the superintendent while he was administering the punishment to request him to desist on the ground the inmate had already been punished severely? A. No, sir.

Q. Never did upon any occasion? A. No, sir.

Q. This man Shortel, in his evidence, stated that his eye was injured in your presence by a blow which he received over the head or across his face with a strap? A. Never in my presence.

Q. Is your recollection of this transaction that you refer to so distinct that you can state from memory the details, the particulars? A. Nothing more than on any other occasion; simply was over there and he was punished.

Q. Do you recollect who conducted this man to the bath-room? A. No, sir.

Q. Do you recollect how many blows he received in the bath-room? A. No, sir.

Q. Do you recollect what he said or what he done? A. No, sir.

Q. Can you now distinctly recollect what was said to him while he was in the bath-room? A. No, sir.

Q. And what was done to him, so you can state step by step what occurred? A. I merely know he was punished there in the regular way by the superintendent.

Q. All you can say is he was punished there in the regular way? A. Yes, sir.

Q. Without being able to state from recollection any of the particulars? A. Didn't notice anything out of the usual way.

Q. You say you noticed nothing out of the usual way, you stated a while ago that in the 175 or 200 cases when you were present and witnessed the punishment that there were some ten or fifteen, as I recollect it, cases where the inmate was struck across the face; when you say in the usual way do you mean to include that class of cases? A. No, sir.

Q. I will call your attention to the record; the record states spanked at the reformatory as follows: September 17, 1891; October 9, 1891, F; May 28, 1892, K blows; August 6, 1892, K; February, 1893, K; February 28, 1893, L; there is no record showing that he was punished in June of 1893? A. I haven't said positive that it was in June.

Q. If this man was not punished after February 28, 1893, what do you say in reference to being present? A. I say I was present when Shortel was punished; I can't say when it was; I remember distinctly being in there.

Q. Do you remember an inmate named James Joseph Reilly, consecutive number 4776? A. Yes, sir.

Q. Do you remember of his being confined in the solitary at one time? A. Yes, sir.

Q. Do you remember the occurrence; can you state how he was chained, if at all? A. No, sir; I can not.

Q. Can you say whether he was or was not chained by one hand and by one foot? A. No, sir.

Q. Do you mean to say he was not so chained? A. I mean to say I don't know whether he was or not.

Q. Was he chained in the solitary for two weeks by one hand and one foot? A. I don't know that he was chained at all in the solitary; I remember his being in the solitary, but I don't remember his being chained at all; I don't know that he was; during the time he was in there I was not in the hall; I was taken out for perhaps a week or ten days in one of the shops.

Q. Could he have been in there for two weeks continuously chained one hand and one foot without your knowing it? A. I think not; when this man was in there, as I stated before, I was out; the only time I know of his being there I was out in one of the shops for perhaps ten days; this was along last January in 1893.

Q. Do you know what this man was put in there for? A. I understood it was for licentiousness.

Q. While you were hallman was any inmate ever chained in the solitary continuously for two weeks? A. Never since I have been in the hall and had anything to do with the solitary.

Q. Were the blinds at any time closed continuously for a period of two weeks? A. I never remember of all of the blinds being closed at any time.

Q. What do you say as to whether they were or were not closed continuously during the time that this man Reilly was confined in the solitary? A. I say they were not closed; Reilly was taken down there the day after that I was taken out of the hall and had nothing to do with the solitary for perhaps a week or ten days; I don't know that the man was there any more than Mr. Sample, I think, said he was there, and while I was in there the blinds were not closed.

Q. As I understand it in Reilly's case you recollect distinctly of his being put in the solitary? A. I remember Mr. Sample told me he was in there.

Q. Did you see him in there yourself? A. I couldn't say positive whether I did or not.

Q. Can you say whether you were in the hall where the solitaries are within a day or two before you were transferred to another part of the reformatory? A. Yes, sir; I was there two days and I came back, and when I came back this case was going on, this licentious case, and they told me this man was down there.

Q. Do you recollect distinctly you were in that part of the reformatory where the solitaries are located a day or so before you were transferred to the other part of the reformatory? A. Yes, sir.

Q. What is there that enables you to recollect distinctly you were in that part of the reformaory a day or so before you were transferred? A. When I came back from being away, I had been down to New York for a few days, I came back on Friday morning and was put back in my section of the hall that I had charge of and I was put back there until Saturday night; Monday morning I was sent out to one of the shops; some time during Saturday I had occasion to go into the solitary and Mr. Sample told me Reilly was in there; the shutters were not closed.

Q. What attracted your attention to the windows? A. Why it was light around there, everything was light.

Q. You are able to say that at that time the windows were not closed? A. Yes, sir; I can say positively they were not closed.

Q. I think you stated the length of time you were hallman? A. After I came off from night work; I think it was about September, 1891, until now; that is my position now.

Q. I understood you to say you didn't see this man yourself on Saturday? A. I couldn't say that I saw him.

Q. You recollect now what you were absent in another part of the prison for about ten or twelve days? A. Yes, sir.

Q. Was this man Reilly there still when you returned? A. I don't know; I couldn't say for that.

Q. In fact you don't know how long he was confined to the solitary? A. I don't know.

Q. Do you know in what manner he was confined? A. No, sir.

Q. Do you remember an inmate named James J. Newman, No. 5001? A. I remember a man named Newman.

Q. Were you ever present when he was punished in the bath-room? A. Yes, sir.

Q. Was he upon that occasion strung up? A. I wouldn't say positively but I think he was.

Q. Do you know whether there were shackles put upon his feet? A. No, sir; there were no shackles put upon his feet.

Q. To prevent him from kicking? A. No, sir.

Q. Was he struck in the mouth by Mr. Brockway? A. Not in my presence.

Q. Did his mouth bleed? A. No, sir.

Q. Did blood flow from any part of his person upon that occasion? A. No, sir.

Q. Did you ever see him punished more than once? A. I only remember once; I remember he was taken down once and the superintendent let him go; talked to him a little; admonished him.

Q. You mean by taking him down you mean he was taken to the bath-room and admonished? A. Yes, sir; not punished at all.

Mr. Babcock.— We want to read from the record which shows that Newman was punished but twice, while he testifies that he was spanked four times in the bath-room; February 18, 1892, he was punished II blows, and May 27, 1892, L blows.

Q. Are you sure you saw this man paddled in 1893? A. Yes, sir.

Q. Aren't you mistaken? A. No, sir.

Q. What makes you think or why do you know it was in 1893? A. It was very rare for me to go in the bath-room previous to 1893; perhaps only two or three times I went in there; I remember this man; I remember Mr. Sample, myself and the superintendent were in there; I don't think there was a great difference between the time Shortell was punished and this man Newman.

Q. Was it a short time before the investigation commenced or a few months before? A. Yes, sir; I think so; I couldn't say

positive just when it was; I am positive it was in 1893 since I was in the habit of going into the bath-room.

Q. You claim that if the record only shows that this man Newman was punished in 1892, it is not correct? A. I claim the man was punished after I was in the habit of going in the bath-room, and that was after April, 1893.

Q. Don't you know this man Newman was transferred to Clinton prison in 1892? A. Not the Newman that I have reference to.

Q. You have reference to James J. Newman? A. I have reference to a Newman, I think I can tell him if I saw his picture.

Q. (Showing photograph.) A. This does not look like the man; the Newman I refer to is there now in the prison.

Q. You say there is a Newman now in the reformatory? A. Yes.

Q. More than one? A. I don't recall but one.

Q. The Newman who you claim was punished after April, 1893, is the one that is there now? A. Yes, sir.

Q. Not the one represented by the photograph now shown you? A. No, sir; not this one.

Q. In other words, not consecutive number 5001? A. No, sir; I can't recollect the numbers.

Q. Were you present in 1892 when the man named Newman was punished? A. I don't recollect anything about it.

Q. You have no recollection being present when a man by that name was punished in 1892? A. No.

Q. Newman claims he was punished in 1892 when yourself, Sample, Murphy and Halpin were present; what have you to say with reference to that? A. I have to say it is not so; in the first place I never was in the bath-room with those four men.

Q. You now say you never was in the bath-room at all prior to 1893 when the inmates were punished? A. No, sir; I say I never was in the bath-room when Murphy, Halpin and Sample and those men he mentioned there were in there whe nany one was being punished.

Q. Did you know where Newman worked that you refer to? A. No, sir.

Q. Can you remember his consecutive number? A. No, sir.

Q. Can you give his age or state anything by which he may be identified? A. He might possibly be 18 years old; not very large.

By Mr. Litchfield:

Q. Do I understand there were two Newmans? A. It would seem so.

Q. You recollect of being present at the punishment of one Newman? A. Yes, sir.

Q. Can you recollect the number of that Newman? A. No, sir; I couldn't tell a dozen numbers in the place and be sure of the men.

Mr. Hoppe.—Samuel Newman, 4006, was spanked in January, February and March and May, 1893, as shown by the record.

Q. Do you know an inmate named Quinn, 5178? A. There was such a man there.

Q. Do you remember of being present when Quinn was punished in the bath-room? A. No, sir.

Q. Were you present with Halpin at any time in the bath-room? A. I don't remember ever being present with Halpin in the bath-room at any time.

Q. Was this man Quinn at any time kicked by Halpin or yourself anywhere? A. He was never kicked by Halpin in my presence, and I know he was never kicked by me.

Q. Was he ever at any time knocked down? A. Never in my presence.

Q. Or struck? A. No, sir.

Q. By any one so far as you saw? A. As far as I saw.

Q. He says he was struck and kicked by Halpin and by yourself; you say that is not so? A. It is not so.

Q. And the superintendent said: "Give it to him, but do not mark him?" A. The man was never struck or kicked in my presence; there never was any such remark made.

Q. By fist or anything else? A. No, sir.

Q. You say the superintendent never used any such expression? A. No, sir.

Q. Did this man ever, at any time, faint in your presence? A. No, sir.

Q. Or feign fainting? A. No, sir.

Q. Was this man, in your presence, ever hoisted from the floor? A. This man was never spanked in my presence.

Q. Did you ever see any inmate hoisted from the floor as high as twelve inches? A. No, sir.

Q. How high is the highest you ever saw one hoisted? A. I don't think I ever saw a man hoisted up so far, but what if he would let his feet down he would touch the floor, only for a moment if he ever was; I have no recollection of a man ever being raised up; I have known them to draw their feet up.

Q. For what length of time have you known them to be hoisted up? A. Only for a moment; I couldn't say how many seconds.

Q. Do you mean the shackles were only upon them for a moment or they were only raised off their feet for a moment? A. I mean that the man's feet were never off the floor only for a moment; I think if he had let them down straight he could have touched

the floor; I don't remember any occasion where a man was raised off the floor but what he could touch them with his feet.

Q. How long was he hoisted up when his toes touched the floor or could touch the floor? A. You are speaking now of anyone?

Q. Anyone so far as your experience goes? A. I should think not over a half minute.

Q. Were they, at any time, strung up during the administering of the punishment? A. If a man resisted or showed fight; sometimes they would string them up.

Q. Have there been instances when the inmate has had the shackles put upon him and strung up, held to his place during the entire time that the superintendent was administering the punishment to him? A. I never remember any.

Q. As I understand you, where an inmate was shackled and strung up and the superintendent gave him a blow or two then the shackles would be taken off and the punishment continued; is that what you mean to say? A. Yes, sir; if the man submits to punishment it is taken off immediately.

Q. You mean taken off immediately or that he is let down? A. Let down.

Q. The shackles are not taken off until the punishment is completed, are they? A. In some instances, one or two, I have noticed where we would take the shackles off.

Q. Why do you remember of those instances? A. Peculiar; that is all.

Q. What was there peculiar about them? A. Taking them off; as a general thing, from what I have seen strung up there the superintendent would leave them until he got through with the punishment, let them down on their feet and afterwards take them off when he got through; I think I remember on one or two occasions where the shackles were taken off.

Q. Before the punishment was completed? A. Yes, sir.

Q. Can you state the reasons, the particulars, which caused the officers to take the shackles off before the punishment was completed? A. In the case I know of they were told to do so by the superintendent; what his reasons were, of course, I don't know.

Q. Do you remember how many blows were given before they were taken off? A. No, sir.

Q. How many blows were given after they were taken off? A. No, sir.

Q. Can you give the names of the inmates? A. No, sir.

Q. Their consecutive numbers? A. No, sir.

Q. In those cases didn't the men faint or feign fainting? A. No, sir.

Q. Or settle down upon the floor? A. I don't remember that they did; no, sir.

Q. You said a moment ago that the superintendent would sometimes order them let down before the punishment was completed; what do you mean by that? A. Let them down off their toes, down on their full feet.

Q. That was in those cases where they were strung up so only their toes would touch the floor, then they were let down so their feet would rest upon the floor while they were receiving the balance of the punishment? A. Yes, sir.

Q. Do you remember any instances when you had to use force in order to compel the inmates to submit to this punishment? A. I remember instances where it was usual where we had to use force and we had to put the handcuffs on.

Q. Those were cases where you usually had to use force in order to compel them to receive punishment? A. Yes, sir.

Q. Can you state what the force was you used? A. I can state what the force was used in my presence; the man would usually show fight, turn around and strike at you or something, and in the case where I was Mr. Sample would take hold of the man and knock his feet out from under him down on the floor and I would put the handcuffs on him so we could hold him.

Q. Do you say Mr. Sample never struck them? A. No, sir; Mr. Sample never struck a man in my presence.

Q. You say you never did? A. I never struck a man.

Q. Do you mean to say Sample is mistaken when he says that in those cases sometimes where they resisted and showed fight that the officers would strike them and hit them without regard to where the blow landed? A. I mean to say Mr. Sample never struck a man in my presence to my knowledge.

Q. You say you never struck one? A. I say I never struck a man.

Q. And never attempted to throw one down? A. I don't recollect any case where I clinched in with a man and threw him down; there never was any as far as I can remember.

Q. You said you didn't remember it? A. I say as far as I remember it.

Q. You are not willing to swear positive there never was such a case? A. I am willing to swear positive there never was a man struck in my presence by Mr. Sample or myself.

Q. Will you swear there never was a case where you assisted in throwing a man down? A. I couldn't say for that; I might have taken hold of a man and perhaps put the handcuffs on him without throwing him down.

Q. Do you mean to say that during your experience at the reformatory there never has been an occasion where it was necessary for you to strike an inmate in self-defense? A. There never has; no, sir.

Q. Not even in self-defense? A. Not even in self-defense.

Q. In the bath-room or anywhere else? A. There has been no occasion for me to strike a man; at least I never have struck one.

Q. I understood you to say you had known instances where the inmate's feet did not touch the floor when they were strung up, but it was because they drew their feet up themselves? A: Yes, sir.

Q. Can you give any reason or cause why they drew their feet up from the floor? A. I couldn't; no, sir; I never thought of it.

Q. Do you mean to say positively they did draw their feet up? A. I mean to say they were bent up, and it looked as though they drew them up.

Q. Do you mean to say positively that those men that you refer to could have stood on the floor if they had been a mind to? A. Yes, sir; they might have let their feet down and they could have touched the floor with their toes.

Q. You know of no reason why they did not do that except that they preferred to draw their feet entirely from the floor? A. It would only be for a moment they would draw their feet up.

Q. Do you mean to say in those cases the inmates were only strung up for a few seconds, and the shackles were then taken off of them? A. No, sir.

Q. Can you tell how long the shackles remained upon those inmates before they were taken off? A. Until the punishment was administered; perhaps a minute or minute and a half.

Q. Do you say these punishments only took a minute or minute and a half? A. Perhaps two minutes; I never timed it; it didn't seem only a moment I know.

By Mr. Litchfield:

Q. During that time they kept their feet up from the floor? A. No, sir; not all the time.

Q. They would let their feet down? A. Yes, sir.

By Judge Gilbert:

Q. What do you say with reference to the force of the blows that were given to those inmates when you were present? A. I never saw anything but what I think it could have been harder a great deal.

Q. You think the blows might have been heavier? A. A great deal heavier; more severe.

Q. Did you ever see the buttocks or back of these men after they had received their punishment? A. Not only; just as I said this morning; a very few; perhaps one or two.

Q. Immediately after? A. Yes, sir.

Q. Did you ever see the buttocks of any of them for a few hours after? A. I don't recollect ever observing any.

Q. So that so far as observing the condition of their backs or buttocks you can't judge as to what the force of the blows were? A. No, sir.

Q. As you stood and looked at them as they were given your idea is they were mild blows? A. No; not mild; still they could have been a great deal more severe.

By Mr. Litchfield:

Q. What did you observe, if anything, as to the color of the buttocks after the blow was inflicted? A. Sometimes it would turn a little red and sometimes didn't seem to have any effect on them at all.

Q. Ever turn dark color, ever turn brown? A. I never noticed it.

Q. How many spankings did you say you had witnessed? A. Probably 175 or 200.

Q. If you were told one witness testified that in almost every instance after spanking the buttock began to discolor, turning a dark color, would you say he was right or wrong in his testimony? A. I should say in some cases it turned red; I never saw it turn black.

Q. You never saw it turn a dark color, brown? A. I never saw it turn brown.

Q. If a witness testified? A. The ones I have seen; I don't know what other men have seen.

Q. If he testified they turned dark color would you say he was right or wrong in his testimony? A. Depends upon what he calls dark and what I call light.

Q. You are not willing to answer that question; was he right or wrong in his testimony? A. I couldn't say what he has seen; the cases I have seen I have never seen them turn black.

Q. I said if a witness had testified before me that he had seen these buttocks turn dark in almost every instance very shortly thereafter, before they left the bath-room, would you say he testified correctly or not, from your own experience? A. I should say if he had seen the ones I seen at the same time I seem they they were not dark.

Q. You are not willing to venture an opinion on his testimony? A. I don't know what the man would term black.

Q. You have never seen them turn brown? A. I have never seen them turn a dark brown.

Q. Have you ever seen them turn a light brown? A. I don't recall a case.

Q. You never saw one turn a brownish or dirty color while you were in the room? A. No, sir.

By Judge Gilbert:

Q. You were in a position where you could have seen or noticed the backs or buttocks of nearly every one of these 175 or 200? A. It was simply while the punishment was being inflicted.

Q Didn't you see them while they were taken them away from the window and put on their clothes on and so on? A. Usually a man would put on his clothes before he was taken away from the window.

Q. You hadn't much opportunity to see? A. No, sir; I had no opportunity.

Q. You only recollect of noticing two or three? A. That is all; that was a case where a man was reduced and his clothes was taken off, and he was changing his clothes was the way I happened to see that.

Q. You were assisting in changing his clothes? A. No, sir.

Q. Present while it was done? A. Yes, sir.

Q. You noticed in those cases his buttocks were red? A. Yes, sir.

By Mr. Litchfield:

Q. How long were those cases after the punishment? A. I don't think five minutes.

Q. In that space of time they had not darkened in any way, still looked red? A. Yes, sir; the cases I am speaking of.

Q. They are not darkened? A. No.

By Judge Gilbert:

Q. Can you give the names of those or consecutive numbers? A. No, sir.

Q. In those cases when you witnessed the punishment did you see anywhere the skin was broken and the blood ran from the back or buttocks? A. No, sir; I never saw the skin broken on any one.

Q. Do you remember any case where the blood run from the nose and mouth? A. No; I don't remember any case particularly as I said; I think on one or two different occasions I have seen a man's nose bleed a trifle.

Q. Have you seen blood upon the floor or wall? A. No, sir.

Q. Never saw any cleaned up? A. No, sir.

Q. Did you ever see them cleaning the filth from the floor after the inmates had been paddled? A. On one or two different occasions.

Q. Were you present when it occurred? A. Yes, sir.

Q. Were those instances where the inmates were strung up? A. No, sir.

Q. They were paddled? A. Yes, sir; they were punished.

Q. Did they have an operation of the bowels while they were undergoing punishment? A. I never saw any; I saw one or two cases; they had an operation previous to the punishment.

Q. After they had been stripped? A. I have seen one or two cases; one case, I think, that way and one case before; one fellow I remember mussed right in his pants before he got in the room.

Q. Did you know an inmate named Murray, 5355? A. I remember a Murray.

Q. Were you present when he was punished? A. Yes, sir.

Q. Was he struck over the head or across the face with a strap or the handle of a strap? A. He was struck over the face with a strap, I think.

Q. What was the effect? A. Left a little red mark under his eye.

Q. Did the blow cut through the skin? A. No, sir.

Q. And cause the blood to flow? A. Didn't cut through the skin; he never was cut through the skin in my presence.

Q. All you recollect about about it is that the blow left a mark under the eye? A. Yes, sir.

Q. Describe the mark? A. It was a little red mark under his eye.

Q. Red or black and blue? A. It was red.

Q. You say it immediately after the blow was given? A. Yes, sir.

Q. Then you say it was red; did you see him a few hours afterwards? A. I don't remember of seeing him afterwards.

Q. Do you know how many times this man Murray was paddled? A. No sir.

Q. You are positive you weren't present but once? A. I don't remember of being present only once.

Judge Gilbert.—The record shows punishments as follows: January 14, 1893, D blows; February 22, 1893, H blows; March 7, 1893, D blows; April 28, 1893, D blows.

Q. Do you remember the month or the time when it was that you witnessed the punishment? A. No, sir; I don't recall the time.

Q. Can you tell whether spring, winter or fall? A. I remember it was in the spring somewhere

Q. What do you say in reference to its being last April? A. I wouldn't say; I couldn't.

Q. It might have been; you say you hardly ever witnessed any of these punishments prior to the middle of April, 1893; one of the punishments by the record was April twenty-eight; may not that have been the punishment you witnessed? A. I think it was later on, perhaps May to the best of my memory; I am not positive of these cases at all as to time.

Q. It was somewheres along in April or May; you know this man died in June, 1893? A. I don't know when he died.

Q. You heard of it? A. Yes.

Q. Do you know when this man was punished he had a bunch under his arm? A. No, sir.

Q. Was he stripped when he was punished? A. Not any more than his pants were let down.

Q. The punishment was administered on the bare skin? A. On the buttocks.

Q. Murray was a small man? A. Not very large.

Q. A young man, boy? A. Might have been 17 or 18; not old.

Q. You didn't know he had a bunch under his arm? A. No, sir.

Q. At the time he was punished you didn't know he was sick? A. No, sir.

Q. Dd you see him again after the punishment which you witnessed and before he was taken to the hospital? A. I don't recall him.

Q. Do you remember seeing him in the hospital? A. No, sir.

Q. So that so far as your recollection goes you know nothing about this man after he was punished? A. I don't recall anything after that.

By Mr. Litchfield:

Q. Did he resist punishment in any way? A. He resisted in turning his head around to the superintendent.

Q. So he got struck on the head by the superintendent? A. Slapped across the face.

Q. Strike him more than once? A. I don't recall that he did.

Q. Where did he strike him? A. Left a little mark right here under the eye.

Q. Was the boy strung up? A. No, sir.

Q. Do you remember a man named Henry Shultz, 5356? A. Yes, sir; a little fellow.

Q. Were you present at any time when he was punished? A. Yes, sir.

Q. More than once? A. I think not.

Q. Did you ever see the superintendent use a strap upon this lad that was made by attaching two pieces of leather to a handle? A. No, sir.

Q. Did you ever see any such strap used there? A. No, sir.

Q. Did you ever see this boy punished in such a way as to draw blood? A. No, sir.

Q. Do you remember an inmate by the name of Daniel Leahy? A. Yes, sir; a definite man, isn't he?

Q. Yes; do you remember him? A. Yes, sir.

Q. Did you ever have any trouble with him in the bath-room? A. I think we strung him up once.

Q. Did you have to use force to compel him to submit to punishment? A. No, sir; he isn't over that high.

Q. That was an instance where you strung him up where the inmate didn't use resistance? A. I mean, he couldn't make no fight; the man resisted, certainly.

Q. You say you strung him up? A. That is, using your form.

Q. Do you mean by that, you strung him up so his feet didn't touch the floor? A. No, sir.

By Mr. Litchfield:

Q. Did he lift his feet off the floor? A. I wouldn't say positive; he kicked, I remember.

Q. You do not remember whether he lifted his feet off the floor in the way you have described? A. I couldn't swear to it.

By Judge Gilbert:

Q. Do you know you did not string him up so that his feet did not rest upon the floor; you strung him up so high that his feet couldn't rest upon the floor; do you say that? A. No, sir; I do not.

Q. Did the officers at any time string this man up so that his feet could not rest upon the floor? A. Never in my presence.

By Judge Gilbert:

Q. You said stringing up, as he called it? A. The judge has termed it that way two or three times.

Q. What is the way you speak of it in the reformatory? A. I suppose stringing him up.

Q. You use the same term? A. Yes, sir; I don't know that I ever had occasion to speak of it.

Q. Were you ever present when Mr. Sampe caught this man by the throat to keep him from hollering? A. No, sir.

Q. Any such transaction as that ever occur? A. Never occurred in my presence.

Q. Did he, at any time, in your presence, have a tooth kicked or knocked out? A. No, sir.

Q. Did he, to your knowledge, loose his teeth? A. No, sir.

Q. Do you remember this man particularly? A. I do.

Q. Remember whether he had all his teeth in? A. I don't remember about his teeth.

Q. Remember anything particular about his teeth? A. No, sir; I don't think that I ever noticed it.

By Mr. Litchfield:

Q. If a man being punished in the bath-room made a good deal of noise what method was adopted to make him keep quiet? A. No method; a man would never holler very much in my presence; he never had any method of stopping him.

Q. You never heard them holler enough to require stopping? A. No, sir.

By Judge Gilbert:

Q. Didn't they sometimes holler while they were being punished? A. Never loud; I have heard a man holler.

Q. Cry? A. No, sir.

Q. Never saw one cry while receiving punishment? A. I don't know what you term crying; a fellow might whine a little sometimes; didn't shed a great many tears.

Q. Do you mean to say you never saw any of them shed tears? A. I didn't say so.

Q. Do you say they did or did not cry? A. I have heard them kind of whine, as if they were crying.

By Mr. Litchfield:

Q. Have you, or have you not, seen them shed tears? A. I have; I remember one or two instances.

By Judge Gilbert:

Q. Do you say you don't know when a person is crying? A. I understand when a man is crying as a child cries, or as a boy would cry.

Q. Do you mean to say you never saw an inmate while he was being punished cry? A. I couldn't very well see them cry; I never heard them.

Q. You could see tears run? A. I don't remember of ever seeing a man when he was punished crying, seeing tears run down.

Q. Never saw a man whose eyes seemed red from crying? A. No, sir.

Q. Anything of that kind? A. No, sir; I have seen them cry in the bath-room.

Q. Haven't you heard them, while being punished, cry out from pain? A. I remember one case where it struck me very forcibly in the bath-room.

Q. (Question repeated.) A. Yes, sir.

Q. And turn their heads and ask Mr. Brockway to stop; have you seen that occur? A. Yes, sir.

Q. And beg to let up? A. Yes, sir.

Q. Upon those cases they would fail to look at the point where they were directed to look at? A. Yes, sir.

Q. Those are the occasions when they would receive the blows across the face or over the head? A. No, sir; an occasion where a man would turn his head around and beg the superintendent to let him go, the superintendent would invariably let him go.

Q. Where he turned his head and didn't beg then he would receive the blow? A. And use insulting remarks to the superintendent.

Q. Where he turned his head and didn't beg would he then receive the blow over the head? A. He would be told to turn his head around in case of that kind; the superintendent would tell him to turn his face the other way and if he persisted in keeping it that way he would get a slap over the face with the strap.

By Mr. Litchfield:

Q. Sometimes he would get a rap over the head with the handle of the paddle? A. Never in my presence.

Q. You are perfectly sure of that? A. Yes, sir.

By Judge Gilbert:

Q. As I understand it the last man was a small man? A. Leahy?.

Q. Yes? A. I said he couldn't make much of a fight.

Q. Why was it necessary if you two officers were present and could handle him, why was it necessary to string him up? A. Because he refused to stand up where he was wanted to.

Q. In those cases where they refused to stand up where he wanted him to then you put the shackles upon him and strung him up? A. Where a man absolutely refused to stand up.

Q. Why couldn't you two strong men have taken him to the place and held him there? A. That was according to the superintendent's idea; he wouldn't have it.

Q. His directions were to string him up? A. Yes, sir.

Q. Do you mean to say there never was an instance where the inmate was upon the floor; that is, flat upon the floor, when the shackles were put upon him? A. No, sir; I do not.

Q. Were there such instances? A. Yes, sir.

Q. Then were they drawn from the floor to the point where they were required to stand? A. No, sir.

Q. How did they reach that point? A. We always raised them up.

Q. And stood them there? A. Yes, sir.

Q. No one was drawing at the rope or pulley until they were placed in position? A. Never in my presence.

Q. Who usually held the rope? A. I usually did.

Q. How was it when Sample was there; did you pull them up? A. Yes, sir.

Q. It didn't take two of you to string a man up? A. We were both in the room as I understood the question.

Q. I want to know when Sample was present, whether you pulled them up or whether Sample pulled them up? A. When I was in there I always pulled them up.

Q. If Mr. Sample says when he was there he always pulled them up, that isn't quite correct? A. Mr. Sample was in there a great many times when I wasn't; while I was in there I invariably took hold of the rope.

Q. Did it require more than one to run a man up? A. No.

Q. Did you ever see any occasion where it took the strength of two men? A. No, sir; I don't recall any occasion.

Q. They were run up by aid of a rope and pulley? A. Yes, sir.

Q. You say one man's strength was sufficient to lead the inmate to his place? A. Yes, sir.

By Mr. Litchfield:

Q. How heavy are you? A. I just weighed myself outside and I weighed 202.

Q. How tall are you? A. Five feet ten or ten and a half.

Q. If a convict was a small man you could easily pull him up; are you heavier than the average man you had in the bath-room? A. Yes, sir.

By Judge Gilbert:

Q. I understand you to state before there never was any occasion, so far as you can recollect, that there were more than two officers present with Mr. Brockway while an inmate was punished? A. No, sir.

Q. You have stated your method of procedure where the inmate was a comparatively small, weak man; what was your method of procedure where the inmate was a strong, athletic man, and he resisted or refused to take the place where he was told to take? A. As I said this morning, Mr. Sample usually would take hold of him and knock his feet out from under him, and I would put the cuffs on; I might possibly have to take hold of his wrist and snap the cuff on that hand and reach for the other hand and draw that up and snap the other cuff on.

Q. Why was it necessary to knock his feet out from under him? A. We couldn't put the cuffs on very well when the man was standing up fighting.

Q. You never showed any fight? A. I never struck a man.

Q. Did you ever strike at a man? A. No, sir.

Q. Never in your life? A. Not in there; out in the street I might.

Q. You have occasionally on the street? A. I never was in any street fights or anything of that kind; I never had any scrapping matches.

By Mr. Litchfield:

Q. Wasn't it possible for two strong, athletic men like yourself and Mr. Sample to handcuff a man in a standing position even if he resisted? A. I don't know; it would depend upon the manner of the man who was resisting; I have known cases where a man was handcuffed while on his feet.

Q. He couldn't escape; you knew he was unarmed and you were two powerful men; was it not possible to handcuff him without throwing him down violently on that marble floor? A. I don't know.

Q. You never saw it tried, so you do not know? A. I remember an instance.

Q. The ordinary custom was to knock their feet from under them on the marble floor and handcuff them on the floor? A. Yes, sir; it would all depend upon the man, if he jumped into you and fought.

Q. There is only one instance you recall where it was done? A. I only recall one.

Q. In the other cases his feet were knocked from under him and he was handcuffed on the floor? A. He was not handcuffed down; he was thrown down on the floor.

Q. With all your experience you only tried once to handcuff him without throwing him down? A. The only case I remember we ever did do; I remember one case, I think, in my experience there.

Q. Was it a habit that came of itself or did you have instructions? A. No; it was a habit that came of itself; a man was thrown down and cuffs put on him.

By Judge Gilbert:

Q. I am requested to ask you about how many of the 175 or 200 that you saw punished you were obliged to handcuff in order to hold them in place? A. Comparatively few; perhaps eight or ten, or a dozen.

Q. Do you agree with Mr. Halpin and Mr. Sample in their statement, namely, that when an inmate resisted and showed fight that they would strike him, and hit him without regard to where or upon what part of his body the blows landed? A. I said that during my time in the bath-room I never saw a man struck.

Q. Either while he was down or while he was standing up? A. Either while down or standing up.

Q. By anyone except Brockway? A. By anyone except Brockway, and Mr. Brockway never had anything to do in the case a man showed fight; he never interfered.

Q. When a man showed fight did you stand back and allow Sample to master him, or did you join in? A. I always had the handcuffs, and if I saw an opportunity to put them on him I generally put them on, otherwise I usually stood back and let Mr. Sample handle the man.

Q. Mr. Sample knew better what occurred between him and the inmate than yourself? A. Of course he would know better.

Q. If he should state in those tussles he would strike the prisoner and the prisoner struck at him, his statement would be more reliable than yours? A. I never saw him do it; I never saw Mr. Sample strike him.

Q. It might all have occurred in the bath-room? A. It is very doubtful.

Q. Will you state it didn't? A. I will say I never noticed it.

Q. Will you say it didn't occur? A. I don't know what occurred before I was there.

Q. During these occasions when you were present and aiding in conducting the exercises, will you state positively there never was any occasion when Mr. Sample struck at an inmate or an inmate struck at Mr. Sample? A. All I can say is that I never saw him strike a man; that is all I can say.

George A. Wood, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Where do you reside? A. Elmira.

Q. What is your occupation? A. Police officer.

Q. Were you ever connected with the Elmira reformatory? A. Yes, sir.

Q. For what period of time? A. Nearly a year.

Q. In what capacity? A. Night watchman in a dormitory.

Q. What opportunity did you have while connected with the reformatory to observe the inmates daily? A. I seen them.

Q. About what number of them daily? A. I seen them all in the evening when they were to their supper; that is, the second and third grade.

Q. From what time to what time were you connected with the reformatory? A. It was in 1885, I think, in June or July, until 1886; I think it was July twelfth I went on the police force.

Q. Did you have an opportunity to converse with the inmates? A. I did.

Q. Freely? A. Yes, sir.

Q. Any of them ever make any complaints to you in reference to the manner in which they were treated? A. No, sir.

Q. Did they ever make any complaint to you in reference to the manner in which they were treated by the general superintendent? A. No, sir.

Q. Never upon any occasion? A. No, sir.

Q. Have you at different times seen the superintendent among the inmates in various parts of the reformatory, and if so, what do you say with reference to his bearing toward the inmates? A. He used to call in this dormitory where I was night-watch; I had sixty-four prisoners in charge there; that is the most I ever saw him with the prisoners; that was when I was on duty nights; he occasionally came in there in the evening.

Q. What was usually his manner toward the inmates? A. Spoke to them kindly.

Q. Ever hear him use harsh or unkind language toward them? A. No, sir.

Q. Did you ever see him strike a prisoner? A. No, sir.

Q. Or use any violence of any kind toward them? A. No, sir.

Q. Have you ever seen the inmates come from the bath-room after receiving punishment? A. No, sir.

Q. Have you ever been present in the bath-room while prisoners were being punished? A. No, sir.

Q. Know nothing about that? A. No, sir.

Q. Have you ever seen inmates with bruises upon their faces indicating that they had been severely punished? A. No, sir.

Q. Or seen them with black eyes? A. No, sir

Q. About the reformatory? A. No, sir.

Q. Have you ever seen any of them have bruises upon their faces or black eyes from fights they have been engaged in among themselves? A. No, sir.

Q. Do you recollect of ever seeing any inmate with a bruise or mark upon him indicating he had been severely hit either in the bath-room, or in a fight, or any other? A. No, sir.

Q. Did you ever see an officer strike an inmate? A. No, sir.

Q. You commenced to work in the reformatory in 1885, and continued to 1886? A. It was about July, 1885, to July, 1886.

Q. Do you mean to say during that entire time you never heard any inmate complain of the treatment he received there? A. I do.

Q. At any time? A. At any time.

Q. With reference to any kind of treatment which he received? A. I never heard them.

Q. Not even complain of the treatment which he received in relation to marking, his being marked improperly or complained of wrongfully; never heard anything of that kind? A. I have made reports myself where they claimed it was wrongful.

Q. It was a part of your duty to report misconduct on the part of those inmates that were under you? A. It was.

Q. And report them to who? A. To the superintendent.

Q. Inmates complained to you that you had improperly or wrongfully marked them? A. They have.

Q. Do you know of any instance where an inmate was punished in the bath-room because of the complaints which you had made against him? A. No, sir.

Q. So that there never was an instance where an inmate was punished because aof a report which you had made against him? A. Not that I know of; no, sir.

Q. Did any inmate ever say to you he had been in the bath-room? A. No, sir.

Q. You never had an interview with any inmate in which the subject of the bath-room treatment was discussed or talked about? A. No, sir.

Q. You never was in the bath-room yourself? A. No, sir.

Q. Isn't it true, as you understand it, that about the year 1885 and 1886, there was not, according to the number of inmates, as many punishments inflicted in the bath-room as there was later on? A. I don't know as for that.

Q. Was the inmate monitor system in vogue at the time you refer to? A. I believe it was.

Q. Did you ever hear inmates complain about that? A. No, sir.

Q. The truth is while you were there you confined yourself strictly to the performance of the duties which you were required to perform? A. Yes, sir.

Q. And paid but little attention to the matter outside of the line of your duty? A. Yes, sir.

Q. I understood you to say that you were now on the police force in the city of Elmira? A. I am.

Q. For how long a time have you been acting as policeman? A. Since 1886 up to the present time.

Q. Between 1886 and the present time have you ever acted as transfer officer for the Elmira reformatory? A. I did.

Q. Upon many occasions? A. Only one.

Q. When was that? A. I couldn't tell you the day; it must have been three months ago.

Q. Since the investigation commenced? A. I think it was.

Q. Transferring prisoners to the reformatory or from the reformatory to some other prison? A. Transferring them to another prison.

Q. How many did you transfer? A. I think there were twenty-six or twenty-five; I am not positive.

Q. What prison? A. Auburn prison.

Q. At whose request? A. The chief of police where I got my orders.

Q. From whom did you get your pay? A. Mr. Brockway.

Q. What amount? A. I think my expense was eighteen or twenty dollars; that was for the whole thing, time and expenses.

Q. Can you recollect any particular conversation Mr. Brockway had with any particular inmate? A. No, sir.

Q. Indicating kindness or unkindness? A. I never heard him speak a cross word.

Q. Do you recollect any particular conversation he had with them? A. No, sir.

Q. Or any particular one he walked with? A. No, sir.

Q. The evidence you have given relates generally to what you recollect or observed with reference to his general bearing and intercourse with the prisoners? A. Yes, sir.

William Thomas Coleman, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Are you acquainted with the Elmira reformatory? A. Yes, sir.

Q. For how long a time? A. I have been employed there since March 7, 1893.

Q. In what capacity? A. Storekeeper.

Q. Have you ever been present when inmates were punished in the bath-room? A. I have, about a dozen times; not over that.

Q. Have you ever seen men struck in the bath-room so as to produce cuts or abrasions upon any part of their bodies? A. No, sir.

Q. What opportunity have you had to see the inmates daily and about what number? A. In what respect.

Q. To see them and meet them and observe them? A. About as much of an opportunity as any one; they come to the store-room and get what articles they need and such as that.

Q. What are the articles usually they come to you for? A. For shoes and all kinds of clothing supplied from the store-room.

Q. The store-room you have charge of is the general store-room of the reformatory, in which the various articles of clothing are kept which are required by the inmates? A. Yes, sir.

Q. Your opportunity to see them is as they come to you and apply to you for the various articles which they need? A. Yes, sir.

Q. About what number daily are you apt to see? A. I am in the store-room about five days out of the week, and I would say that it would average as much as fifty per day.

Q. You had other opportunities to see them during the day? A. Yes, sir; I quite frequently visited the shops and hospital.

Q. What opportunity would you have to see them while they were engaged in their military drill or when they were going to or from their work, or when they were going to and from their meals? A. I am in the halls when the lines turn out mornings and came in evenings and at noon also; I saw them when they were dress parade.

Q. What do you say the average would be per day that you would see in these various parts of the prison when they were engaged in these various movements which you have referred to? A. I see most of them that are around locked in cells come through the halls; see them in the dining-room most every day when they are at their meals.

Q. Have they been free to converse with you in reference to various matters? A. Yes, sir.

Q. Have they an opportunity to make complaints to you if they desire to? A. Yes.

Q. You know nothing in reference to the rules of the reformatory that would prevent them from doing so? A. No, sir.

Q. Or prevent you from conversing with them upon such subjects or matters? A. No.

Q. Has any inmate complained to you about the general superintendent, about the punishment or other treatment that he had received from him? A. No, sir; they never did.

Q. Never did upon any occasion? A. No, sir.

Q. Have you observed the superintendent among the inmates in the shops, schools, halls, school-rooms, etc.? A. Yes, sir.

Q. Will you characterize the superintendent's intercourse with the prisoners? A. I have seen him talk to them quite frequent.

Q. What do you say in reference to that intercourse being kind and friendly? A. He always seemed to be kind to them, talked very friendly and smiled.

Q. Ever hear him use any abusive or unkind language toward them? A. No, sir.

Q. Have you ever seen the superintendent strike any inmate or use any violence toward them outside of the bath-room? A. No.

Q. Have your duties frequently called you to the hospital? A. There was a time I would take the count at noon and evening.

Q. Did your see this man Murray? A. Yes, sir.

Q. While in the hospital? A. I did.

Q. Can you tell what Murray's sickness was? A. Lung trouble; I saw while I was up there and he breathed very heavy; all indications showed that was what ailed him.

Q. Did you dress Murray after death? A. Yes, sir.

Q. Prepared him for burial? A. Yes, sir.

Q. Did you observe any scars, or cuts, or marks indicating bath-room treatment? A. No, sir.

Q. Can you state positively there were no marks of that character upon him? A. Yes, sir; because he was naked when I went up, and of course when we put the clothes on him we had to turn him over, and we had a good chance to see if there were any cuts on him.

Q. During your occupation as store keeper it has been your duty to attend to the solitary? A. Yes; there are times I have been down there.

Q. Can you describe how inmates were chained that were confined in the solitary? A. There is a ring they were chained to and a sliding ring on a bar.

Q. Do you know how the inmates are fastened to those rings? A. They are chained by one wrist to the ring; never chained by more than one wrist that I ever saw.

Q. Did you ever see the blinds closed tight to that part of the reformatory where the solitaries are located? A. No; sir; there was always some little light.

By Mr. Litchfield:

Q. Which of those two rings were they usually chained to? A. Most cases I saw they were chained to the one that was permanently fastened.

By Judge Gilbert:

Q. I understood you to say that your connection with the reformatory commenced in March, 1893? A. Yes, sir.

Q. As you understand it the paddling ceased some time in September? A. Yes; the latter part of August.

Q. During that time you witnessed about a dozen punishments? A. I was inside to see about a dozen paddled.

Q. How did it happen you were in there? A. That was one of my duties; bringing them from the cells to the door and there were others inside that took care of them and a couple of occasions some of the men were away that should have been inside.

Q. And called upon you to do some of the hall work? A. Yes, sir.

Q. You say you never saw the superintendent strike an inmate across the head or over the face? A. There were one or two occasions where the men when he would tell them to stand up to the wall, and they would turn around he would probably tell them once or twice and if they still kept turning their face around he would give them a slight tap on the face, but never to inflict any cuts or bruises.

Q. Ever see him strike them over the head? A. No; just inside on the cheek.

Q. Did you say those bruises didn't leave any black and blue marks? A. Might leave a red mark but it wouldn't make no cut or bruise.

Q. Did you see the inmate a few hours afterwards to see whether there was a black and blue spot upon his face? A. Yes.

Q. You never saw an inmate whose face showed that he received a blow across his face sufficiently to make a black and blue spot? A. Not when I was present; there was one instance I remember one was struck right alongside the face; must have been; I seen a slight mark that showed, but it was no scar or bruise.

Q. Describe the mark? A. Just a little mark of the strap; turned just a little.

By Mr. Litchfield:

Q. Do you mean immediately over the left eye? A. Right above the eye probably; left side of the face as near as I can recollect.

By Judge Gilbert:

Q. Don't you know it is one of the rules of the reformatory that the officers and those employed about the reformatory are not to converse with the inmates except as they are compelled to do so in the performance of their duties? A. We are only to converse with them upon business matters of course.

Q. Don't you know it is against the rule for you or anyone employed in the capacity in which you were employed to converse with them with reference to the manner in which they had been treated by the officers or by the general superintendent? A. I didn't go conferring with them.

Q. Don't you know it was against the rule for an officer or a person engaged in the capacity in which you were engaged to do that? A. I don't thoroughly understand your question.

(Question repeated.) A. I didn't say that I did talk with them.

Q. Then the truth is you didn't talk with them upon the subject as to how they were treated by the officers or by the superintendent? A. No; if anyone told me anything about it I would have listened to their story but there hasn't a single one ever complained to me about being misused.

Q. If they had you would have listened to their story? A. Yes.

Q. Don't you know they understood the rule that prohibited them from talking with you upon the subject; as I understand it, you didn't talk with the inmates nor they with you with reference to the manner in which they were treated by the superintendent or by the officers over them, isn't that the truth about it? A. I never bothered my head anything about that part of it.

Q. You were trying all the while to faithfully perform the duties you were employed to perform? A. Yes, sir.

Q. And suppose the other officers were conscientiously performing their duties? A. I suppose so; I am speaking for myself; I don't know what the rest were doing.

Q. I understood you to say that in Mr. Brockway's intercourse with the inmates you never noticed anything but what was kind and gentle? A. You asked me about his talking to men in the shops and such as that.

Q. Your answer related entirely to the intercourse that occurred between Mr. Brockway while around among the prisoners in the shops and other places but outside of the bath-room? A. Outside of the bath-room; yes, sir.

Q. You didn't mean in the answer you gave to characterize in any way his conduct toward the prisoners while they were in the bath-room for punishment? A. No, sir; I didn't refer to that part of it.

Q. Do you remember the inmate's name that received the mark over the eye? A. I can't recollect that.

Q. Can you give his consecutive number? A. No, sir; I hadn't been there a great while when this occurred.

Q. You do know that the only reason as you understood it why that blow was given was because the inmate didn't look in the direction he was told to look by Mr. Brockway? A. Yes, sir.

Q. Do you know how many blows that inmate received? A. I was just at the door; I wasn't inside when the spanking was done that time.

Q. You didn't see the blow that was given? A. No, sir; I was n't in, present at that time.

Q. You were present upon some occasion when such blows were given? A. Yes, sir; one or two

Q. Those you saw? A. Yes, sir.

Q. This other you refer to was the third one? A. Yes, sir.

Q. What was the cause of Mr. Brockway striking the inmate across the face upon the one or two occasions? A. Because he told them to keep their heads to the wall and they wouldn't do it: they would keep turning around.

Q. Mr. Brockway was punishing the inmates at the time they turned their heads? A. Sometimes he would strike a blow; they would turn around to see what he was going to do, I presume.

Q. The first blow that would be given was across the face or over the head? A. I think on one occasion it was.

Q. That blow was given not because of anything wrong they had done before they went into the bath-room, but because they failed to look in the direction required? A. Yes, sir.

Q. Did you notice what the effect of that blow was? A. You could, of course, notice it left no mark of any kind.

Q. Can you give the name of that inmate? A. I couldn't say positive.

Q. His consecutive number? A. No, sir.

Q. The number of blows he received? A. What I saw of the spanking it wouldn't average over five blows.

Q. At this time do you remember the number? A. It wouldn't be over five.

Q. Did the inmate cry or indicate that he suffered from the punishment? A. Yes; made some little fuss.

Q. Describe it? A. He didn't exactly cry, but he kind of jumped around and made a noise.

Q. Didn't he holler out? A. Yes.

Q. Indicating he was angry or suffering pain? A. Perhaps a little of both.

Q. I want to know which it was? A. I can't state exactly.

Q. You say you had an opportunity to see and did see Murray's body after death? A. Yes, sir.

Q. Did you notice whether he had any sore under his arm or near his arm? A. I noticed no sore.

Q. Nothing of the kind? A. No, sir.

Q. Did you notice any scar or mark indicating he had been operated upon just before his death ? A. Nothing of the kind.

Q. Was your attention particularly called to the fact whether there was or was not marks upon him caused by punishments ? A. I knew he had been in the bath-room, probably two weeks or ten days previous to his going to the hospital, and when I dressed him I kind of looked to see.

Q. Did you look because you expected to find some marks or evidence of punishment ? A. Not exactly.

Q. Did any one speak to you about it ? A. No, sir.

Q. Or suggest to you the propriety of examining close ? A. No one said anything to me about it.

Q. You did it from your own curiosity ? A. Yes, sir.

Q. Do you say you did it from what you heard ? A. I done it because I had seen him at the bath-room about ten days or two weeks previous to his going to the hospital and through my own curiosity when I was dressing him I looked over his body to see if there were any marks; I saw no marks on him whatever.

Q. Or the bunch under his arm ? A. No, sir.

Q. Will you say there was no scar or mark indicating he had been operated upon near his arm ? A. I will say I seen none.

Q. Do you say there were no marks upon his body anywhere indicating he had been subjected to severe punishment? A. I seen no marks.

Q. Do you say in reference to that the same as you do in reference to the scar near his arm? A. When I dressed him he was naked, of course, and I had to turn him over to put the clothes on him and I noticed a scar no place.

Q. Where was he when you dressed him? A. In the hospital.

Q. In the regular hospital? A. In a small room they put all the dead; he was washed and laid out there.

Q. In the night or daytime that you dressed him? A. Daytime.

Q. Did you have the light from the window? A. Yes, sir; there is a window right off to the right.

Q. Was there more than one strap to this paddle which you saw used?. A. No, sir; just one strap.

Q. When these punishments were inflicted did you ever see more than two officers besides the superintendent present? A. No, sir; there would be some of us getting them out of their cells; I acted as one.

Q. How many is the largest number you have ever known to be paddled upon one occasion, one afternoon? A. I couldn't say positive as to that, but there were a number of times men were brought down that the superintendent would merely give them a talking to.

Q. How many is the greatest number you have ever known punished in one afternoon? A. I don't think it would be over ten.

Q. Are you willing to swear positive it wasn't over ten? A. To the best of my knowledge.

Q. Do you know what name these exercises usually went by? A. I don't know as we had any particular name for them.

Q. Among the officers and the inmates didn't they have some particular name or term which they used in referring to these punishments? A. No; only getting paddled.

Q. Or taken to the bath-room? A. Yes, sir; I think about twenty or twenty-two were brought down that day; I don't think there were over ten paddled.

Q. Were they substantially accused of the same offense? A. Different things.

Q. Were you in the bath-room and saw the ten paddled? A. No, sir; I was outside; I was bringing them in from the rooms.

Q. Why do you think as many as ten were actually punished? A. I could usually tell when they came out.

Q. How could you usually tell? A. Some would be holding their pants up; once in a while when they would swing the door open I could hear them.

Q. Hear what? A. Hear the superintendent in there with them.

Q. What would you hear? A. I would hear the paddle; it is just a short distance.

Q. Do you know how many you took to the bath-room that day? A. I should think as much as twenty or twenty-two men.

Q. The others were simply reprimanded and let go? A. Yes; he give them a talking to.

Q. Did you ever see anyone faint while receiving punishment? A. I never did.

Q. Or feign fainting? A. No, sir.

Q. Did you ever help carry an inmate away from the bath-room? A. I never did.

Q. Or help hold him up? A. They could always walk when they came out, all that I ever saw.

Q. How long were the officers in disposing of those twenty or twenty-two cases? A. It took quite a while that day.

Q. About how long? A. I should judge an hour.

Q. About how many minutes would it take to dispose of a case where the inmate was put through the full course of treatment? A. On some occasions it would't take over a couple of minutes; other cases he would detain them quite a little while.

William Fraser, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Are you connected with the Elmira reformatory? A. Yes, sir.

Q. For how many years? A. I have been there twenty-one years.

Q. In what capacity have you been connected with it? A. In the mason line; stone-cutting line; builder.

Q. You worked on the reformatory before it was opened? A. Yes, sir; since it was first commenced.

Q. What has been your employment there since it was constructed? A. Helping to build shops and keep the buildings repaired.

Q. Have you been connected in any way with the trades classes? A. Yes, sir.

Q. In what capacity? A. In the stone cutting class.

Q. As instructor? A. Yes, sir.

Q. Since the reformatory has been opened have you been in a position where you would be frequently brought into communication with the inmates? A. I had a gang of them always working with me; five or six; sometimes as high as forty-five.

Q. Are you engaged is building any part of the reformatory now? A. Nothing but repairs.

Q. About how many men have you under you now? A. I have only two in the repairs, but I have forty-seven in the trade school class in the stone cutting.

Q. Have you had an opportunity to observe the men as they were going to and from their work? A. Yes; I have seen them marching by.

Q. Going to and from these trade schools? A. Yes, sir.

Q. Going to and from their meals and while upon military drill? A. I don't go near them when they drill.

Q. Have you observed Mr. Brockway being around among the men at different times? A. Yes, sir.

Q. In the various departments? A. Yes, sir.

Q. Noticed his bearing toward the men? A. Yes, sir.

Q. Noticed him as he was communicating with them? A. Yes, sir

Q. What have you to say in reference to his conduct or bearing toward the men? A. I have always seen him treat them very kindly, the same as though they were his own boys.

Q. Never heard him speak unkindly to them? A. Never.

Q. Or use abusive language toward them? A. Never.

Q. Or speak coarse to them at all? A. No, sir; I always saw him come in and slap them on the shoulder and ask them how

they were getting along; I never saw him use any mean language of any kind.

Q. You never have known of a single instance where an inmate has been severely punished ? A. Not that I have seen.

Q. Don't know of any instance where an inmate has been severely punished ? A. No.

Q. You have known of instances happening to inmates in which they were injured ? A. Slightly injured.

Q. Received bruises upon their heads and faces ? A. Yes.

Q. Leaving black and blue marks ? A. I have seen one that fell from the scaffold.

Q. Only one in twenty-one years ? A. All I remember of.

Q. What mark did he have on him ? A. I forget; he was pretty well bruised.

Q. That is the only one? A. That is the only one that I remember.

Q. You have seen inmates at different times have fights among themselves ? A. Yes; I have seen them have scraps among themselves.

Q. Have you ever known any of them to receive bruises ? A. I have seen one get a black eye from scrapping.

Q. Can you give his name ? A. Yes; I think his name was Brunswick; he ain't there now.

Q. Who gave him a black eye ? A. Some of the inmates.

Q. It wasn't an officer ? A. No.

Q. Did you ever see an officer strike an inmate ? A. No; I never did.

Q. With anything ? A. With anything.

Q. You have been engaged in the construction of this reformatory or in keeping it in repair from the time it first started to the present time, that is, from the time the buildings were first started ? A. Yes, sir.

Q. What, if anything, do you know in relation to a cell, a place called a dark cell, near the fire pit, or the place known as the fire pit ? A. There is no such thing as a cell.

Q. What can you say with reference to that; did you help build it ? A. Yes; I built it myself.

Q. You and the men under you ? A. Yes, sir.

Q. When was it built ? A. The first part of it was built in 1876.

Q. Which part was built then ? A. The cellar part; it was an old areaway, where we used to dump coal down; to get the passage through from the D. B. to the inmates' dining-room; we had to build two brick walls up nine feet high so as to get joists across to make a hallway through there to connect the two buildings together, that is what made it a cell.

Q. Prior to 1876 and upon one side of the reformatory building there was an areaway? A. Yes, sir.

Q. How deep was that? A. Nine feet deep; I ain't exactly sure.

Q. How long was it, next to the building as it then stood? A. It stood out eight feet from the building.

Q. How long was the areaway; how far did it extend along the building? A. Went clear around the face of the building, that side of the building as far as the center part of the building.

Q. How many doors were there opening from that area into the cellar of the reformatory? A. Three doors.

Q. What were these doors composed of? A. For taking in the boilers.

Q. What were they made of? A. Made of iron bars.

Q. Have locks on them? A. No, sir.

Q. Those doors opened directly out from the basement or cellar, the place where the boilers were placed into this area? A. Yes.

Q. After 1876, or in 1876, a new building was built a short distance from the old building? A. Yes, sir.

Q. It became necessary to build a supporting wall across that area from the wall of the old building to the wall of the new building? A. Yes, sir.

Q. How far apart were those supporting walls? A. I think eight feet apart.

Q. Of what are the side walls built? A. Brick.

Q. About how thick? A. Twelve inches.

Q. What is the other end wall of this passageway, as we will now call it, what material was that built of? A. Stone.

Q. So that two ends of this room were built of stone and the sides built of brick? A. Yes, sir.

Q. What kind of a floor was there to it?

Mr. Litchfield.— Is it necessary to go into that. It is conceded.

Mr. Stanchfield.— We have simply put him on because he was the man that built it.

Mr. Litchfield.— I think the committee do not care to hear any more testimony unless the defense specially request it.

Mr. Stanchfield.— No.

Judge Gilbert.— I suppose it was pretty well understood that was explained when we were in Elmira.

Mr. Litchfield.— The committee made it a point to examine that place personally and went through it very carefully.

Judge Gilbert.— You don't care to hear any more?

Mr Litchfield.— I don't care to unless the defense desire to.

Mr. Stanchfield.— We don't care to.

Q. As I understand you, across from wall to wall and upon which the floor of the passageway leads from the old building into the dining-room of the new building there is nothing but timbers laid across? A. There were timbers laid across for four or five years, then we tiled the floor, and then I arched that over so as to carry the weight of the tiles, and it was too little, and I put two railroad irons across so as to get a spring for my arch, and I arched it and laid tile.

By Mr. Litchfield:

Q. That particular place was never built for a cell originally and never was used as a cell to your knowledge? A. No; it was never built for a cell; I helped built every cell in the institution.

By Judge Gilbert:

Q. You don't know of any one ever being confined in there? A. No, sir; it has never been opened in eight years; that is when I made the last repair when I put that arch.

Q. During this entire time you have seen Mr. Brockway more or less every day? A. Yes; he generally gives us a visit around every day when we are working.

Q. In reference to his going around through the various parts of the reformatory, how often does he do that? A. Sometimes twice a day, but sometimes three times a day; depends upon how busy he is.

Q. You don't mean to say he goes through the entire reformatory two or three time a day? A. Sometimes he does; he starts and goes through all the shops when he starts.

Q. You don't mean to say he goes around and visits every part of the reformatory so that he knows who is in a cell or who isn't? A. I don't know anything about that; I mean outside.

Q. Have you ever known him to use profane language to any inmate? A. Never.

Q. Have you ever known him to speak unkindly or abusively? A. No, sir; I have never known him to speak unkindly to anybody; he has never said a cross word to me in my life.

Q. He employs you? A. Yes, sir.

Q. Has employed you during the entire time? A. Yes; he hired me when he came there.

Q. And has employed you from that time to this? A. Yes.

Q. And paid you? A. Yes, sir.

Q. You are paid from the reformatory funds, as you understand it? A. Yes, sir.

Q. You have known nothing about Mr. Brockway's treatment of the inmates while they are in their cells? A. No, sir.

Q .Or while they are in the bath-room? A. No, sir.

Q. Or while they are in the bath-room? A. No, sir; I only work there during the day.

Q. In the shops or on the works? A. Yes, sir.

Q. All you saw of Mr. Brockway was while he was about or near your work? A. Yes, sir.

Q. When you say he always treated them kindly or like a father, you refer to the treatment that he was showing them while going around making these visits? A. Yes, sir.

Q. Had you known or seen him strike the inmates as is claimed across their faces or over their heads you wouldn't have regarded that as fatherly treatment? A. I never did.

Q. Were you ever employed in any other reformatory or any house of correction or any prison? A. No.

Q. Have you always lived in Elmira? A. No, sir.

Q. Where have you lived? A. I have lived in Scotland; the old country.

Q. Have you ever worked in Indiana? A. No, sir.

Q. Or any other State in the Union except this State? A. No, sir.

Oscar Thompson, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Are you connected with the Elmira reformatory? A. Yes, sir.

Q. From what time to what time? A. Seven years last November since I went there.

Q. In what capacity? A. I have charge of the construction of buildings and repairs.

Q. Are you under or over the last witness? A. Fraser has charge of the stonecutting department; I have charge of the repairs of the place wherever it may be.

Q. All kinds of repairs? A. Yes, sir; directing it.

Q. Repairs of every kind? A. Pretty much; yes, sir.

Q. What opportunities have you had to observe or see the inmates daily? A. In my passing through the buildings and through the yard.

Q. How many do you see a day? A. I should say I see 500 to 800.

Q. Are you familiar with any of them? A. With my own men; that is all.

Q. How many men have you? A. I think I have eighteen or twenty at the present time that I looked after.

Q. Generally? A. Sometimes it is more than others, according to the amount of work I have to do.

Q. Nearly all of them are inmates? A. All are inmates except one; I have one man that is a foreman who is a citizen at the present time; sometimes there have been as many as four or five; perhaps more.

Q. During the entire time that you have been connected with the reformatory and performing these duties that you have referred to have you heard any inmate complain about the general superintendent, about the punishments that they received or that an inmate has received? A. I have not; I don't think I ever did.

Q. Have you frequently observed the superintendent while around among the inmates? A. Yes, sir; very frequently.

Q. What have you observed with reference to his bearing toward the inmates? A. Very friendly and social.

Q. Have you ever seen the superintendent at any time use violence toward any inmate? A. Never.

Q. Upon any occasion? A. No, sir.

Q. Have you ever heard him use profane or harsh language to an inmate? A. Never.

Q. Have you seen men when they came from the bath-room after being punished? A. No, sir; I have not.

Q. Have you ever seen men after they had been punished and whom you know had been punished have upon them bruises or marks indicating they had been severely punished? A. I couldn't say, not knowing they hadn't been punished; I couldn't say it was on account of their being punished; I couldn't say they had been punished if I hadn't seen them.

Q. Have you ever seen any inmates that had upon them bruises or marks indicating they had been severely punished? A. I do not remember now of one case.

Q. Have you ever seen any inmate that had bruises upon him received in fights, from accidents, or anything of that kind? A. I think I do recollect one case where there was a little scrap as we would call it in the yard among a couple of the inmates; I think that is the only one I recall at the present time.

Q. Have you ever seen an officer strike an inmate? A. No, sir.

Q. Or use profane language to an inmate? A. I don't think so.

Q. Do you know of a rule that prohibits officers from striking inmates? A. Yes, sir.

Q. Did the inmates ever make any complaint to you about being harshly or unkindly treated by Mr. Brockway? A. No, sir.

Q. You never was present in the bath-room when an inmate was punished? A. No, sir.

Q. Know nothing at all about the treatment they received there? A. No, sir.

Q. Know nothing about the rules, regulations, etc., and the offenses and all that may lead to a punishment in the bath-room? A. Not in the least.

Q. I understood you to say that you had seen inmates when they came from the bath-room? A. I did not; they might have come from the bath-room but I wouldn't be positive they did; if I saw them passing through the yard I wouldn't know whether they came from the bath-room or not; I seen men go through the yard in company with an officer that I supposed came from the bath-room.

Q. Did you ever see any marks upon those indicating they had been severely punished? A. No, sir.

Q. You don't recollect that any inmate has, at any time, complained to you that he was severely treated by Mr. Brockway? A. No, sir.

Q. Had any inmate made that complaint, as you understand the rules and regulations, it would have been your duty to have reported the fact to Mr. Brockway? A. Yes, sir.

Q. The inmates, as you supposed or understood knew of the existence of that rule? A. I think they must.

Q. As I understand you, the work that you are carrying on or conducting in the reformatory is carried on by the inmates? A. Yes, sir.

Q. In connection with very many things that you are required to do many of those inmates are regarded as skillful men, are they not? A. Yes, sir; they become to be quite proficient in work.

Q. And are therefore useful men? A. Yes, sir.

Q. For the purpose of not only constructing buildings but in keeping them in repair? A. Yes, sir.

Q. And carrying the work that is necessary to be carried on in order to keep the reformatory in a proper condition? A. Yes, sir.

Q. What have you to say, if anything, with reference to the propriety of placing such men in confinement where, by marks, rules, regulations, etc., they may be continued there from year to year where their skill and usefulness in the various employments may be utilized by those in charge of the reformatory? A. I don't think such is the case; I don't think they are; not to my knowledge; men who earn their parole —

(Question repeated.) I am not asking you whether it is so or not; I am asking for your opinion as to whether it is proper to create a condition of things that would permit that?

Mr. Stanchfield.— It would occur to me, Mr. Litchfield, that is a question you are to pass upon. He should speak of the facts and you say whether it is proper or otherwise.

Judge Gilbert.— I ask this question upon this theory; that it seems this gentleman, who appears to be an intelligent one, has been in charge of these inmates and using them for the purpose of making repairs, etc., of all kinds and every description in connection with the reformatory.

Mr. Stanchfield.— You ask him a hypothetical question as an expert as to the propriety of a certain line of conduct which he says does not exist there.

Judge Gilbert.— If you think I ought not to ask the question I will withdraw it.

Mr. Litchfield.— It is a question that is competent I understand for the committee to ask; Mr. Stanchfield, as I understand it, has no objection to the question if put by the committee.

Mr. Stanchfield.— If the committee desires to ask it, I have no objection; I thought from the standpoint of the prosecution he was endeavoring to elicit an opinion which were to express.

Mr. Litchfield.— I think the question could be put in a somewhat modified form.

Mr. Stanchfield.— If there was any one had been contnued there simply because he was proficient it would be proper to show that fact but the witness expressly negatives that and says he never knew of such an instance.

Q. What I desire to bring out is this: From your experience and what you know with reference to the value of the services which some of the inmates may render, whether it is safe and proper to place the power in the hands of any set of men to continue their confinement there where it might be continued for the purpose of getting their services?

Mr. Stanchfield.— That attacks the whole parole system at the reformatory.

Judge Gilbert.— Perhaps it is proper for me to say this; that there are some things in connection with the official reports that have been made with reference to the inmates that I must say is somewhat surprising to me and I don't know but what perhaps this witness might give an explanation of them; I have asked the question for the purpose of drawing out his opinion in relation to a matter that will appear perhaps more fully before the investigation closes.

Mr. Litchfield.— I would like to hear the opinion of the witness on that point.

The witness.— I should say then that I have no opinion and I don't think I have a right to have. I don't think it is any of my business to meddle with the management of the affairs of the prison. That would be my answer to that question.

Q. If you have no opinion that answers it? A. That is my sentiment exactly.

Q. Isn't that one reason why you haven't paid any attention to the complaints, if any have been made by the inmates in reference to the manner in which they have been treated? A. No, sir; I am not an officer of the prison; while I was for five years, at the present time and for the last two years and a half I have not been an officer; I come and go the same as any citizen.

Q. In what official capacity did you act? A. Nothing more than to have charge of a class at school on a regular school night; and I was held there every other Sunday as an officer.

Q. What were you called? A. As a keeper, I suppose, but during the day my work was the same as it is at the present time.

Q. You live at Elmira? A. Yes, sir.

Q. What was your business before you were engaged? A. Previous to my going there I was employed by the Pullman Car Company for four or five years; after that I had charge of a chicken hatchery there, building incubators; and from there I went to the reformatory.

Thomas Murphy, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Where do you reside? A. Elmira.

Q. How long have you resided there? A. Little over six years.

Q. Are you connected in any way with the Elmira reformatory? A. Yes, sir.

Q. What is the nature of your employment? A. Keeper.

Q. From what time to what time have you been connected with the institution? A. Fall of 1887, I think.

Q. To the present time? A. Yes, sir.

Q. How long have you acted in the capacity of keeper? A. All but the first ten weeks that I was there; I was a guard ten weeks.

Q. Have you at any time been present in the bath-room when inmates were punished? A. Yes, sir.

Q. From what time to what time have you been accustomed to witness those? A. November, 1891, until June, 1893.

Q. Have you conducted men to and from the bath-room? A. I have; yes, sir.

Q. Taken men to the solitary and from the solitary? A. Yes, sir.

Q. Chained them there? A. Yes, sir.

Q. In what manner? A. By the hand.

Q. In any other way? A. No, sir.

Q. One hand ? A. One hand.

Q. To what ? A. To a clevice on a bar.

Q. A ring that slid upon a bar ? A. Yes, sir.

Q. One end of that bar was fastened to the bottom of the cell and the other end a few feet above the floor ? A. Yes, sir.

Q. Did you ever chain any to the stationary ring near the corner ? A. I don't think that I ever did.

Q. Don't you recollect? A. I can't recollect of any case.

Q. Do you know of any occasion when the blinds were closed to that part of the prison where the solitaries are located ? A. Not entirely; no, sir.

Q. When you say not entirely what do you mean ? A. I mean they were not entirely closed, that they were open enough for light to come in; admit air and light.

Q. The windows were closed ? A. Not always.

Q. In the winter time they were closed ? A. Not always.

Q. What opportunity have you to see the inmates daily, and about what number have daily come under your observation? A. I should say from 500 to a thousand.

Q. How does it happen that you are able to see as many as that per day ? A. I am stationed where the men pass me.

Q. Whereabouts are you stationed ? A. At the center gate.

Q. Are they free to converse with you and to address complaints to you if they choose ? A. No, sir.

Q. Have any inmates complained to you about the general superintendent, about severe punishment or other treatment ? A. No, sir.

Q. Have you ever seen the superintendent among the prisoners in the shops, school-rooms, halls, etc. ? A. Yes, sir.

Q. How can you characterize the intercourse with the prisoners on those occasions ? A. I should say it was friendly.

Q. Have you ever seen the superintendent reprimand prisoners in and out of the bath-room ? A. I have seen him do it, in the bath-room.

Q. Have you ever seen him outside of the bath-room ? A. I have; I think.

Q. What was the spirit or character of these reprimands ? A. A man would be locked in what we call the guard-house, usually.

Q. What was the spirit manifested by the superintendent when he was reprimanding the inmate, whether the reprimand was given in the bath-room or outside of it; that is, did he appear to be angry or did he seem to be friendly ? A. Appeared to be angry in some cases.

Q. Generally how was it? A. Appeared to be angry generally.

Q. In the bath-room? A. This is when he was reprimanding them.

Q. You mean by reprimanding when he was telling them they must do better; they had been doing wrong? A. Yes, sir.

Q. Then you say he appeared to be angry? A. He appeared to be angry; yes, sir.

Q. Do you know whether he was, in fact, angry? A. I don't think that he was.

Q. What is it that leads you to that conclusion? A. He couldn't be angry in every case.

Q. He appeared to be angry when you knew from the circumstances, etc., that he was not angry? A. I thought he was not.

By Mr. Litchfield:

Q. Do you, in fact, know he was not angry upon some occasions? A. I couldn't say that he wasn't; no, sir.

Q. How many of those occasions do you think he might possibly have been really and truly angry, quarter of the occasions? A. I couldn't say but what he was angry in all of them or part of them.

Q. It was all guess work on your part? A. All guess work on my part.

Q. While attending to the bath-room, have you ever seen any abrasions or breaking of skin resulting from the treatment they received there? A. No, sir.

Q. What number of officers are usually inside when the punishments are inflicted? A. Two besides the superintendent usually.

Q. Did you ever see them paddle with more than one strap or strand of leather? A. No, sir.

Q. Were you ever present when a man named John Witzman, 3584, was punished? A. No, sir; I recollect the man; but I never was present when he was punished.

Q. Did you lead him out to be locked up after he had been punished? A. I don't think that I did; I couldn't say.

Q. Will you say you did not? A. I couldn't say.

Q. Did you ever take him to the solitary and chain him down there? A. No, sir.

Q. Did you ever take this man Witzman to the bathroom when he was simply reprimanded, and then you took him back to his cell? A. I took him from seclusion; but not to the bath-room; the superintendent met him in the hall near the bath-room and sent him out to work.

Q. He was not punished? A. No, sir.

Q. You say never punished in your presence? A. Never punished in my presence.

Q. Do you remember an inmate named Gross, 4346? A. I remember Gross.

Q. Remember being present when he was punished in the bath-room? A. No, sir.

Q. Never was? A. Never was.

Q. Remember an inmate named James J. Newman, 5001? A. No, sir.

Q. You do not remember him? A. No, sir.

Q. (Showing photograph.)? A. I couldn't say that I recognize him.

Q. Don't remember that man at all? A. No, sir.

Q. If this man Newman stated you were present when he was punished; what would you say whether it was true or not? A. I couldn't say.

Q. No recollection about it? A. No, sir.

Q. Did you ever see the shackles put upon the feet of an inmate when he was receiving the punishment in the bath-room? A. No, sir.

Q. You never saw a man shackled by the feet there? A. No, sir.

Q. Did you ever see an inmate strung up so that his feet wouldn't touch the floor? A. No, sir.

Q. Did you ever seen an inmate that had been struck across the face or over the head bleed at the nose or mouth? A. No, sir.

Q. Do you remember an inmate named Quinn, No. 5178? A. Yes, sir.

Q. Were you ever present when he was punished? A. No, sir.

Q. Are you positive of that? A. Positive.

Q. Did you ever, at any time, accompany him to the bath-room for the purpose of his being punished? A. I brought him to the bath-room.

Q. Was he punished at that time? A. I think that he was.

Q. Was he thrown upon the floor? A. I wasn't present; I was outside.

Q. That is before it became a part of your duty to be present? A. It never was a regular part of my duty; I only went in when somebody else was absent.

Q. Did you, upon any occasion, take this inmate to his cell after he had been punished, and trip him up, and throw him on his face on the flags? A. No, sir.

Q. Did you ever throw him upon the flags at any time? A. No, sir.

Q. Or throw him down at any time? A. No, sir.

Q. Or any place? A. No, sir.

Q. Do you know a man named Harvey Pearce, 5344? A. Yes, sir.

Q. What was there in reference to Pearce assaulting you and you having trouble? A. I was bringing him out of his cell and he hit me.

Q. Where did he hit you? A. Right in the jaw.

Q. What with? A. His hand.

Q. With his hand or fist? A. I think it was his fist.

Q. What for? A. I don't know, unless it was to make his escape.

Q. You went into his cell after him? A. No, sir.

Q. Explain it? A. I went to his cell to bring him to the bath-room; unlocked the door; he came out; just as he was stepping from the cell down on the flag he hit me on the jaw and ran away.

Q. What did you do? A. I went after him and found him on the top gallery of the west block, north extension; two inmates, hall men, had hm fighting with them; I brought him down to Colonel Halpin on the flags.

Q. Anyone help you? A. I brought him from the top gallery down to the flags.

Q. Anything further about that? A. Not that I know.

Q. Did you ever know of his being carried out from the bath-room to his cell or to any place? A. No, sir.

Q. Did you ever see marks upon his face indicating he had received severe punishment? A. No, sir.

Q. Did you ever see a discolored spot upon his face or black eye? A. No, sir.

Q. Did you ever at any time have any trouble with the inmates unless it was where you were attempting to take them from their cells to the bath-room to be punished? A. No, sir.

Q. Did you have any trouble them upon any other occasion than this one you referred to with Pearce? A. I never had a personal encounter with any of them except Pearce.

Q. That was when you were trying to take him to the bath-room for the purpose of receiving punishment; was he informed at the time where you were intending to take him? A. No, sir; I didn't tell him.

Q. Did he know that he was to be taken to the bath-room when you went for him? A. Yes, sir; he understood.

Q. At that time didn't he say that he wouldn't go to the bath-room to be punished? A. No, sir.

Q. Do you know whether he had been punished in the bath-room before that or not? A. I do not know.

Q. Do you know when this was that this occurred? A. I couldn't give the exact date.

Q. About when was it, as you recollect it? A. I should say it was in March or April.

Q. March or April this last year? A. Yes, sir.

Q. You say you don't know what occurred in the bathroom? A. No, sir; I didn't see it.

Q. Do you know who was in the bath-room at the time you delivered him to the door? A. Col. Halpin and Mr. Sample.

Q. Do you know whether he resisted after he went in the bath-room? A. No, sir.

Q. Were you ever present in the bath-rom when inmates did resist and refused to submit to the punishment? A. Yes, sir.

Q. Upon how many different occasions? A. I should say three or four.

Q. Not more than four? A. Not more than four.

Q. What did the officers do then with those? A. I remember one case cuffs were put upon a man, and he was strung up from the floor.

Q. How did you subdue him so as to put the cuffs upon him? A. Held him.

Q. Who helped you? A. I didn't have no hand in it; Mr. Sample and Mr. Halpin done it.

Q. You looked on? A. Looked on.

Q. How did they accomplish that, subdue him? A. They caught hold of him.

Q. Was he thrown upon the floor? A. No, sir.

Q. Was he struck by either of them? A. No, sir.

Q. Or kicked by either of them? A. No, sir.

Q. Simply seized him and held him and put the cuffs upon him? A. Yes, sir.

Q. They were both strong men? A. They are not very weak, either one of them.

Q. Do you remember the name of this man? A I think his name was Brown; I couldn't swear to it, though.

Q. A strong, healthy man? A. About the usual size; he wasn't as large as some of them.

Q. Did he fight back viciously? A. No, sir.

Q. Strike at the officers, either of them? A. No, sir.

Q. They had no trouble in holding him and putting the cuffs upon him; you say strung up; what do you mean by that? A. I mean his hands were cuffed and pulled up by the rope.

Q. What do you mean by saying he was pulled up? A. He was compelled to stand with his face to the wall.

Q. Do you mean to say during the entire time he was standing on his feet? A. He was on his feet the entire time, as far as I could tell.

Q. You can't say whether he was or not; where was he standing, at the window? A. Yes, sir.

Q. Where were you standing? A. I was over to his right, where I couldn't see him; I had hold of the rope or cord that held him up.

Q. Anyone else have hold with you? A. No, sir; I think I had him alone.

Q. Was that the only instance where you saw a man strung up? No, sir.

Q. About how many in all did you see strung up? A. I can recall two only.

Q. One other besides this one? A. One other besides Brown.

Q. Can you give his name? A. No, sir.

Q. Do you know what it was for? A. Because he wouldn't stand up.

Q. Did either of these men at any time faint? A. No, sir.

Q. Fall upon the floor? A. One man fell on the floor.

Q. Which one? A. I can't recall his name; the last one.

Q. Did he feign fainting? A. No, sir.

Q. He fell upon the floor; was that before or after the shackles were put upon him? A. Before the shackles were put upon him.

Q. Had he received any blows before he fell upon the floor? A. He had.

Q. About how many? A. Three or four, I should say.

Q. Then he fell to the floor and the shackles were put upon him, and he was held up? A. Yes, sir.

Q. How man did he receive after that? A. Three or four more.

Q. Can you say positively he was not lifted off the floor entirely? A. He was not.

Q. Was he a youngish man? A. Quite young.

Q. Did both of those men, when they left the bath-room, walk out unaided? A. Yes, sir.

Q. Did you ever upon any occasion aid these men as they were going from the bath-room to the cells? A. No, sir.

Q. Ever see others aid them? A. No, sir.

Q. About how many punishments have you witnessed in all? A. I should say a hundred.

Q. Did you see any of the inmates struck over the face or across the head with the strap? A. I have seen them struck across the head.

Q. About how many in all? A. I should say five or six.

Q. Would you say positively not as many as ten? A. I couldn't say positively.

Q. You think five or six? A. I should think five or six.

Q. What was the character of the blows they received over the head? A. They were not as heavy as other blows they had received.

Q. Leave any marks? A. I have seen them with marks.

Q. What marks? A. Mark of the strap, red.

Q. Any other color? A. I have seen it black and blue.

Q. Ever see any of them bleed from the nose? A. No, sir.

Q. Any cuts or abrasions on the face? A. No, sir.

Q. Seen black and blue marks? A. Seen black and blue marks.

Q. Did you ever see any of the inmates thrown upon the floor or upon the floor while they were trying to punish them in the bath-room? A. I have seen them tripped.

Q. By whom? A. Mr. Halpin, I think.

Q. More than one? A. Yes; two or three.

Q. What for? A. They wouldn't stand up to the window, would turn around.

Q. He would trip them and they would fall? A. He would have one hand on the shoulder and trip them up; wouldn't throw them down heavily.

Q. What do you mean by that? A. He would let them down easily.

Q. How could he let them down easily when he was tripping them up? A. He could do that easily enough; he had his hand on the shoulder.

Q. Was he holding them up? A. Didn't hold them up entirely, but he would break the fall; they wouldn't fall as heavily as though he let go of them.

Q. Do you mean he had hold of their coats or clothes to hold them with one hand while he was tripping them with his feet? A. He had hold of the inmates' shirt, their coats were off.

Q. Nothing on them except their shirts? A. Their shirts.

Q. Did they have vests on? A. No, sir.

Q. Simply their shirt? A. Shirt.

Q. After they were thrown down have you ever seen Mr. Halpin upon them with his knees or down with them? A. I never did.

Q. Do you mean to say you never saw Halpin strike anyone of them? A. I never saw him strike a man in the bath-room.

Q. Or Sample? A. No, sir.

Q. Never saw either of them strike, have you, out of the bath-room or any other place? A. Never did.

Q. Either of them?

Q. Or kick them? A. No, sir.

Q. You have given some evidence with reference to the confinement of inmates in the solitaries; it was a part of your duties to

take inmates to the solitaries and confine them? A. Occasionally; it wasn't my regular duty but I have done it.

Q. Can you tell about how many of the inmates you have taken to the solitaries and confined there? A. I should say ten or twelve.

Q. How long was the longest that you have ever known a man to be confined in the solitaries and chained there continuously? A. I couldn't state any definite time because I could take a man down there and somebody else would take him out.

Q. Was there any rule or arrangement by which when a man was taken to the solitary and chained that it was the duty of some particular keeper or officer to look after that man and to see that he was cared for and to see that he was released at the proper time? A. Yes, sir.

Q. Whose duty was it to attend to that? A. The hallkeeper that had charge of the solitaries.

Q. It was his duty? A. It was his duty to care for him and feed him.

Q. Weren't you for a while hallkeeper? A. Not that part; I was a hallkeeper but not in that section.

Q. What you mean to say is that you delivered prisoners from another part of the reformatory to that part and to the hallkeeper of that part and landed them in the solitaries and there left them? A. I have put them there myself and I have delivered them to the hallkeeper in charge of that part.

Q. You don't know of your own knowledge how long they remained there? A. No, sir; I couldn' say.

Q. Do you know as far as those inmates were concerned you took to the solitaries, do you know they were never chained to the ring near the corner of the cell? A. I don't remember ever chaining a man there.

Q. Will you say positively you never did? A. No; I can't say that.

Q. But you don't remember of chaining them? A. Neither ring.

Q. Then to the sliding ring? A. To the sliding ring.

Q. Then you left them? A. I left them there.

Q. By whose direction would you take them there? A. The principal keeper, or Colonel Bryam, or the general superintendent.

Q. Then what did you do? A. I reported it to the guard-room floor that such and such a man was locked in the solitaries.

Q. In that way you supposed it reached the superintendent, the fact that the inmate was confined? A. I supposed that; I don't know whether he had any other source of information.

Q. You are still connected with the reformatory? A. Yes, sir.

Q. Under salary? A. Yes, sir.

Q. Prior to September do you know of any instance where an inmate was chained to the door by both hands? A. No, sir.

Q. Did you receive orders or directions from anyone to confine the inmate to the sliding ring upon the bar instead of confining them to the ring near the corner? A. Yes, sir.

Q. Who gave you such orders? A. Whoever ordered the man put down.

Q. You never put a man in the solitaries except it was by someone's orders? A. No, sir.

Q. Were you ever told or directed to chain him to the sliding ring? A. Yes, sir.

Q. Did you see this man Pearce after the punishment that you refer to; the time that he refused to come out of his cell? A. Yes, sir; I saw him after.

Q. Right away after? A. He didn't refuse to come out.

Q. I refer to that occasion? A. I saw him after.

Q. Right away after? A. Yes, sir.

Q. Do you say positively that he hadn't any marks upon him indicating he had been severely punished while in the bath-room? A. Not that I could see; not on his face or head he had no marks.

Q. What marks, if any, did he have on him when he went into the bath-room? A. He had no marks when he went in the bath-room.

Q. Then you didn't strike him? A. No, sir.

Q. Nor the others didn't strike him? A. I saw nobody strike him.

Q. Did anyone throw him down? A. Halpin threw him down.

Q. Where? A. In the hall.

Q. Do you say Halpin didn't strike him? A. He didn't strike him; no, sir.

Q. Do you say positively he didn't? A. I say positively he didn't strike him.

Q. Did you see what occurred betwen this man Pearce and Halpin? A. What occurred in the hall.

Q. All of it? A. Yes, sir.

Q. What kind of a fellow was this man Pearce; intelligent, bright fellow? A. No; I wouldn't say that he was over-bright.

Q. Regarded as rather a half-witted fellow? A. I regard him as a little off as we term it.

Q. That is mentally? A. Yes, sir.

Q. Do you know whether he is deaf or not? A. I don't know.

Adjourned to Wednesday, February 14, 1894, 10 a. m.

Wednesday, February 14, 1894.

Dr. Hamilton D. Wey, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Where do you reside? A. City of Elmira.

Q. What is your occupation or profession? A. Physician and surgeon.

Q. Where did you graduate? A. College of Physicians and Surgeons, city of New York.

Q. How long have you been practicing your profession? A. Since March 1, 1878.

Q. Continuously at Elmira until the present time? A. Yes, sir.

Q. Have you, at any time, been connected with the Elmira reformatory? A. I have.

Q. In what capacity? A. Physician.

Q. For what length of time? A. Since first of January, 1879.

Q. You practice your profession generally in the city of Elmira and its vicinity? A. Yes, sir.

Q. You may, in your own way, state what your duties are generally at the reformatory; what is required of you by way of either residing in the reformatory or visiting the reformatory; how frequently you are required to visit it, and give particulars in reference to that? A. I think I can answer that question better by describing a day's routine; ordinarily I reach the reformatory from a quarter after to half-past 8 in the morning; upon reaching there the first thing is to make a tour of the cells, seeing all men who remained over from the day before, and all men who remained in that day for the first time; sending out those that have recovered from minor ailments, and also passing upon those who remained in for the first time; after that is done then I look over different notes, either from the superintendent or from the men that may have been gathered, and put in my spindle, men desiring to see me or men I am requested to examine; after that I get out through the shops and see the men there at sick call; the custom is that the men, upon going to the shops in the morning hand in their names to the officer on the stand as desiring to see the physician, and he makes up a list and sends it over, and that list is handed to me, and I see the men in the various shops; in that way I go through, every day, all the shops throughout the entire premises; besides seeing the men, I call for men in the various shops concerning whom the notes that I have received relate, and either examine them in the shops or else take them to more convenient quarters; after the round of the shops I visit the hospital and see the men there, perform what dressings may be necessary, and then make my pre-

scriptions for the day, and that ends, in a few words, the morning round; ordinarily it is 12 o'clock, sometimes half-past 12, sometimes 1, and even later, before I am through, so that the average morning round occupies four hours; by means of the telephone I may be easily summoned in case of emergency, or in case of accident, or any occasion which requires visiting the reformatory in the afternoon or in the latter part of the day.

Q. You have an office in the city ? A. Yes, sir.

Q. That office is connected by telephone with the reformatory ? A. Yes, sir.

Q. If, when you are absent from the reformatory, your attendance is needed there, they communicate with you by telephone or telegraph, and it is then a part of your duty to attend promptly ? A. Yes, sir.

Q. Have you any assistants there in the reformatory ? A. I have a hospital steward there, who is a graduate of the Willard State Hospital Training School.

Q. Not a regular physician ? A. Not a physician; no, sir.

Q. He is a trained nurse ? A. Yes, sir.

Q. He has charge of the hospital and looks after the inmates who require medical attendance during your absence ? A. He follows out my instructions.

Q. He is a citizen, not an inmate ? A. He is a citizen.

Q. As I understand it, you are required to give this attention that you refer to daily ? A. Yes, sir.

Q. This attention must be given to the inmates of the reformatory in preference to any attention which you may be required to give to a private patient ? A. There is a certain amount of the work to be done, and I am expected to do it.

Q. It is supposed you will do it in the fore part of the day ? A. It has become a custom; it is not required.

Q. If you are not able to attend during the fore part of the day ? A. Then I go there in the latter part of the day.

Q. You give, as you say, this daily attention to the inmates ? A. Yes, sir.

Q. When you enter the reformatory upon these visits, do you go directly to that part of the reformatory where the men are confined, or do you receive instructions or information with reference to the wants or condition of the inmates in the morning when you make your visit ? A. I first visit the block of cells.

Q. And look after all inmates confined in the cells ? A. That remained in.

Q. At the hour when you visit the reformatory the men usually, that are able, are engaged in their various employments about the reformatory ? A. Yes, sir.

Q. If there was any of the inmates that are unable to go to their work and remain in their cells, it is your duty first to go and see those men? A. Yes, sir.

Q. Do you receive a memorandum or statement from anyone as you enter the reformatory in reference to the condition of the men, or in reference to particular cases that require your attention? A. I get a list comprising all the men that are in the cells.

Q. From whom do you receive that? A. That is made up by a clerk who keeps the book called the "Men in Rooms," book.

Q. If upon the examination of these inmates, you find that they are ill and unable to work, you so report? A. No, sir; I report indirectly, by not sending them out.

Q. If you find they are not ill, that they are feigning, then you order them sent out? A. I report to the office they should be sent out.

Q. Those are the cases that you first give your attention to? A. Yes, sir.

Q. What is the next class of cases? A. Then I read over the correspondence that I may have, notes from inmates, notes from the general superintendent in regard to men, and receive at that time also memoranda of new men, men recently arrived that are to be examined.

Q. The arrangement is such that if any inmate desires to communicate with you, or any officer connected with the reformatory desired to communicate with you with reference to your professional duties or with reference to your professional attention, they address a note to you at the reformatory? A. Yes, sir.

Q. Where do you usually find those notes? A. They are put upon my spindle; then I would say in addition to that, that every man has the privilege of seeing the physician each day by simply handing his name to the overseer in his shop, and that list is sent over and is written upon a blank prepared for the purpose, which I use as a memorandum in going through the shops.

Q. As I understand it, all communications that are sent to you when you arrive at the reformatory have been opened, if they are in an envelope, and placed upon the spindle? A. Notes directed to me are not opened.

Q. You examine all those? A. Yes, sir.

Q. Then look after the case of each one who has communicated with you? A. Yes, sir; and have the sick call in the shops.

Q. If any of those in your judgment, require your professional attention, you give them that attention before going to any of the oher cases? A. No, sir; I do not administer to them later in the day.

Q. What class of cases do you next inquire into or examine after examining those that were in the cells? A. The shops.

Q. I understand you while the men are in the shops, if any of them claim to be ill at the time they enter the shops, or taken ill after they enter the shops, they are at liberty to communicate with you or send word to you? A. Yes, sir.

Q. It is your duty, then, to examine into those cases? A. Yes, sir.

Q. If you find any of those are really ill, what do you do? A. Send them in to their cells or hospital, according to the circumstances of the case.

Q. The next class of cases? A. After the shops comes the hospital.

Q. You attend the cases in the hospital A. Yes, sir.

Q. After you made the necessary examinations, the different ones who claim to be ill and so on, what do you do by way of prescribing for them, and by way of seeing that your prescriptions or directions are carried out? A. Then I dictate my prescriptions and the hospital steward administers the medicines, distributes them and administers them.

Q. You simply write out and give the directions? A. Yes, sir.

Q. Is this steward which you have, is he a regular pharmacist? A. No, sir.

Q. Does he compound or mix the medicines? A. There is very little compounding to be done; we employ the medicines in such a form that that is not necessary.

Q. Have you in connection with the hospital an apothecary shop? A. I have a drug-room.

Q. Who has charge of the drug-room? A. Hospital steward.

Q. Very many of these prescriptions that you make require a mingling of medicines? A. Not many; if there is anything that requires particular attention I do the compounding myself; I will say we use a good deal of tablet triturate, compressed tablets, which obviates the necessity of compound.

Q. There is a gymnasium connected with the reformatory? A. Yes, sir.

Q. Have you any duties to perform with reference to that? A. I have general supervision.

Q. Can you particularize or specify what your duties are in connection with that? A. I have general supervision of that; I have the assigning of the men to the gymnasium for special purposes also look after their progress there; have them under observation; also make suggestions as to what this man should do or that man should do; whether this man should receive baths or

not; in fact, map out the line of the treatment for each person assigned there.

Q. This is known as the physical culture class or department? A. Yes, sir.

Q. Is it part of your duty to inform the officers when an inmate should be sent to that department? A. When, in my opinion, a man should be sent there, I make a recommendation to the superintendent and the transfer is effected.

Q. When in your opinion, an inmate has been treated in that department until, in your judgment, he should be sent to some employment, then you give the proper direction? A. I recommend he be taken out.

Q. In connection with that gymnasium, are there large Turkish baths? A. There is a Turkish bath in connection with the gymnasium.

Q. Whenever, in your opinion, the inmates should bathe, you give the necessary direction? A. All inmates in the gymnasium bathe; some are not allowed to go into the hot-room, and others are not allowed to go into the tank or plunge; there may be some physical counter indications.

Q. At what time during your morning visits do you give attention to the physical culture department? A. I get there between half-past 10 and 11, may be a little later some mornings.

Q. About what number of inmates are there usually in that department? A. Those men that are there in the morning are not there in the afternoon; men there in the afternoon are not there in the morning; the total number of men on the gymnasium roll is about ten per cent of the entire population.

Q. As far as those men are concerned, you see them when they are naked, when they are bathing, etc., and have an opportunity to observe the condition of their persons? A. Yes, sir.

Q. What is the purpose of that physical culture or treatment? A. Sometimes men deteriorate a little, become somewhat run down, and they are placed there to build them up, recuperate, take them out of the routine of the shop and treated that way in preference to hospital treatment; then again other men are put there that would pass as well men, but in hopes of raising them up to a higher physical plane, to improve them generally; also for the effect by physical improvement to get mental quickening, improved mental action; other men are placed there to be under closer observation than I could have of them in the shops; to determine mental condition and to arrive at a better understanding of the men.

Q. Are inmates frequently put into this department very soon after they arrive at the reformatory? A. A number are put in immediately after.

Q. Usually for what reason? A. Because they are poorly nourished; are run down; deteriorated physically; came there physically reduced.

Q. Frequently put there on account of their demented or mental condition? A. Put there on account of mental condition, because they are heavy and stupid, and they are put there for treatment for some physical specific condition.

Q. Sexual perverts go there? A. Yes, sir; there are sexual perverts there.

Q. Do you regard all this training as necessary and proper and just to the inmates? Q. I regard it as beneficial; it is a method which is adopted by the leading universities of this country; attention to the body in order to get mental results.

Q. I think from what you stated in reference to your daily rounds through the reformatory that you go through nearly every department of it? A. I go through every department.

Q. And go through all the corridors, or many corridors? A. Yes, sir.

Q. And see daily near all of the inmates? A. I see them collectively; I don't see them individually.

Q. But in visiting the various departments you see them nearly all? A. I see them congregated there; yes sir.

Q. Do you remember an inmate by the name of Frank McGlynn, No. 342? A. Yes, sir.

Q. What can you say with reference to his illness, etc.? A. He had pulmonary disease.

Q. Did he die in the reformatory? A. No, sir.

Q. He was paroled; sent to his home? A. Yes, sir.

Q. Do you know what his condition was when he was sent away from the reformatory? A. He was a desperately sick man; a man that I regarded as being near his end.

Q. How long had he been sick in the reformatory? A. I can't state the precise period; he had been sick for some time.

Q. Did you make a record of the particulars or facts relating to his illness? A. Yes, sir.

Q. Known as the hospital record? A. Yes, sir.

Q. Can you state when it was that he was taken sick? A. No; I can not state the beginning of his illness.

Q. Can you state the time he was sent to his home? A. February 5, 1881.

Q. By special parole? A. Yes, sir; taken home by his sister.

Q. Did you examine him prior to his being taken away? A. Yes, sir.

Q. Examine his person? A. Yes, sir.

Q. Were there any sores or bruises upon his shoulders or any other portion of his body, caused by punishments which he had received? A. No, sir.

Q. Do you remember an inmate named Andrew Clineth, consecutive No. 466? A. Yes, sir.

Q. Was he sick in the reformatory? A. Yes, sir.

Q. Did you attend him? A. Yes, sir.

Q. What was the difficulty with him? A. He had disease of the liver.

Q. Do you know about what time he became sick? A. I do not know the beginning of his illness; he was in the hospital several times, and was out of doors most of the time, and all of the time he was out of doors the day preceding his death.

Q. Did you treat him the day before? A. I didn't see him that day; no, sir.

Q. You didn't see him out of doors yourself? A. No, sir.

Q. You remember he died? A. Yes, sir.

Q. Do you know just before his death he was transferred to the reception-room, as it is called? A. He slept in the reception-room, and was found there one morning unconscious; that is the morning of May 9, 1890; when they went there to give him his breakfast he was found in an unconscious state; he was removed to the hospital and died that afternoon from apoplexy.

Q. Do you know why he was placed in the reception-room? A. He slept in the cells of the reception-room; the door was open at night, and he had the range of the outer room; he was placed there on account of his filthy habits; during the day he was out in the garden.

Q. During his sickness did you attend him professionally? A. Yes, sir.

Q. Give him such treatment as you thought his case required? A. Yes, sir.

Q. Give him that close and continued attention which you thought his condition required? A. Yes, sir.

Q. It is desired by the defense that you state as fully as you can what you mean by the term "filthy habits?" A. He would urinate on the floor; soil his bed.

Q. His condition was such that you had to keep him separate and apart from the other inmates? A. Yes, sir.

Q. Can you state what the disease was that he had? A. He had chronic disease of the liver.

Q. Was that the cause of his death? A. Cerebral hemmorrhage.

Q. Were you acquainted with George Ackerman, consecutive No. 1004? A. Yes, sir.

Q. Were you ever called to attend him professionally? A. Yes, sir.

Q. Can you state the occasion or particulars? A. I can only state I saw him at intervals for minor troubles.

Q. Do you know anything about his having a tooth knocked out? A No, sir.

Q. What can you say in reference to that? A. I have no knowledge of his having a tooth knocked out.

Q. Did you ever know of his jaw being broken or injured? A. No, sir.

Q. Did you ever treat him for any such thing? A. No, sir.

Q. Never had your attention called to it in any way? A. No, sir; Ackerman was never in the hospital during his detention there.

Q. You say you remember this Ackerman distinctly? A. Yes, sir.

Q. Was your attention ever called in any way by Ackerman to the fact that he had his teeth knocked out or his jaw injured? A. No, sir.

Q. Never said anything to you about it? A. No, sir.

Q. You treated him occasionally while he was in the reformatory? A. I treated him for such troubles as diarrhoea and constipation.

Q. Was that treatment upon those occasions when he notified you by note or otherwise that he required your medical aid? A. Yes, sir.

Q. He was free to communicate with you whenever he required that assistance? A. Every day, if he desired.

Q. You say positively he never required your aid because of any injury he had received upon the jaw or to his teeth? A. Yes, sir.

Q. Do you know consecutive number 1940, James Walley? A. Yes, sir; I remember him.

Q. Do you remember whether he died in the reformatory? A. He did.

Q. Did you treat him professionally before he died? A. Yes, sir.

Q. What was the cause of his death? A. Tubercular meningitis.

Q. Had he been punished just before his death? A. I have no knowledge of that.

Q. Do you know whether he had been punished just before he was taken to the hospital? A. No, sir; I do not.

Q. Know nothing about that? A. No, sir.

Q. All you can say is that he died in the hospital, died of the disease you have stated? A. Yes, sir.

Q. How long had he been in the hospital before his death? A. Nine days.

Q. Do you know in what part of the reformatory he had been employed before taken to the hospital? A. He was working out doors, around the yard.

Q. Have you the hospital record relating to that case? A. No, sir; I have not.

Q. During his last sickness did he ever make any complaint to you that he had been severely punished? A. No, sir.

Q. Did he ever even state that he had been in the bath-room? A No, sir.

Q. Did you see any marks or any bruises upon him indicating he had been severely punished? A. No, sir.

Q. Or any laceration or bruises of any kind? A. No, sir.

Q. You can state as particularly as you can what opportunity you had to see his person, his back? A. The man was in bed; the opportunity of examining his chest, seeing him in the bed and in the hospital; and, moreover, whenever a man is taken to the hospital he is taken to the bath-room and bathed before being put into the bed, and he is bathed by a man who is detailed to work in the hospital, and any marks or sores are to be communicated to me.

Q. You didn't see him when he was bathed? A. No, sir.

Q. You received no communication indicating he had marks or bruises upon him? A. No, sir.

Q. Did you see his bare back or person after he was taken to the hospital yourself? A. No, sir; I couldn't say I saw his back.

Q. You do say positively during that entire time he never made any complaint to you that he had been severely punished? A. Yes, sir; he made no complaints in reference to his condition; the man had been regarded for sometime as a man not in good health, and for that reason he was placed outdoors.

Q. What do you say in reference to his mental condition? A. There was no evidence there was any mental disorder.

Mr. Babcock.— In connection with the testimony of James Walley, consecutive No. 1940, I read from the record that he was spanked May 21, 1885, L blows; that he was among the men in room from August 10 to 26, 1885; August 26 to September 7, 1885, he was employed at light out-of-door work; September 7 to September 9, 1885, sick in room, and from September 9 to 18, 1885, sick in hospital, and on that day he died in the hospital of pulmonary tuberculosis and tubercular meningitis.

Q. Do you remember an inmate named James Carey, consecutive No. 1960? A. Yes, sir.

Q. Did he die in the reformatory? A. Yes, sir.

Q. What caused his death? A. Consumption.

Q. How long was he in the hospital before he died? A. He was there from March 31, 1888, until the date of his death, May sixth.

Q. Did you see any evidence upon him indicating that he had received severe punishment? A. No, sir.

Q. Did he make any complaint to you during his last sickness to the effect that he had been severely punished? A. No, sir.

Mr. Babcock.— Calling attention to the case of James Carey, I desire to read from the reformatory record that he was spanked May 23, 1887, D blows and died in the hospital May 6, 1888.

Q. Do you remember an inmate named Patrick Cunningham, 2330? A. Yes, sir.

Q. Was he in the hospital at one time? A. No, sir.

Q. Did you ever treat him for anything? A. No recollection of it.

Q. Do you remember the occasion when he was taken out of his cell by means of a hot iron? A. Yes, sir.

Q. Did you treat him for burns or injuries which he received at that time? A. No, sir; no recollection of it at all.

Q. You didn't treat him for any injury which he claimed to have received at that time? A. No recollection of it.

Q. Did you supply him with salve? A. No recollecton of it.

Q. Did he make any complaint to you that he was injured or burned? A. Not to my knowledge.

Q. You have no recollection of it? A. No recollection.

Q. Did anyone else apply to you for salve or anything for this man to use because of the injuries which he received upon that occasion? A. No, sir.

Q. Did any one say to you at or about that time that this man Cunningham was injured upon that occasion either by a hot iron in any other way? A. No, sir.

Q. What do you say as to whether, if anyone had said anything to you or applied to you for salve or anything else to be used upon the neck of this man, Cunningham, or used upon his person, sores had been made by the use of this hot iron, what do you say as to your being likely to remember it? A. I might recall it if such a complaint had been made; I should have examined the man and prescribed accordngly.

Q. Wasn't that rather an unusual injury; injuries not very apt to occur in the reformatory? A. Yes, sir.

Q. A burn of that kind, made in that way? A. Yes, sir.

Q. If there had been anything of that kind, would you have been likely to hear of it and know of it? A. If a man received an injury in that way I should hear of it.

Q. If you had heard it, wouldn't you be likely to remember it? A. Yes.

Q. Do you know of any injury of that kind occurring during your connection with the reformatory? A. No, sir.

Q. To any inmate? A. No, sir.

Q. Do you remember this man Carey was placed in the physical culture class? A. Yes, sir.

Q. Do you remember when it was he was placed in that class? A. June 27, 1887.

Q. Do you remember when it was before that that he was punished? A. I have no personal knowledge of his punishment.

Q. Do you know how long he continued in the physical culture class? A. Until his transfer to the hospital.

Q. Why was he put in the physical culture class? A. On account of his health.

Q. What do you say his physical condition was at that time? A. Not good.

Q. What was the difficulty? A. He had evidence of having disease of the lungs.

Q. You say that he was transferred to the hospital at that time from the physical culure class? A. March 31, 1888.

Q. Died what time? A. May 6, 1888.

Q. So that, as you recollect his case from June 27, 1887, until the time of his death, there was a gradual decline? A. Yes, sir.

Q. Do you remember an inmate, Edwin T. Smith No. 2332? A. Yes, sir.

Q. Do you ever treat him? A. Yes, sir.

Q. Professionally? A. Yes, sir.

Q. For what? A. For enlarged glands of the neck.

Q. In what manner did you treat him? A. Treated him constitutionally and if I remember rightly I opened one or two abscesses on the neck from the breaking down of these glands

Q. Do you remember how many times you lanced these abscesses? A. No, sir.

Q. Does your hospital record show the number of times you treated him for that? A. No, sir.

Q. Or when you treated him for it? A. I have a record of when he was in the hospital.

Q. When was he taken to the hospital? A. March 3, 1889

Q. Did he die in the hospital? A. No, sir.

Q. Was he paroled? A. I presume he was; he was discharged from the hospital and sent to his cell.

Q. Do you know what became of him? A. I think he was afterwards paroled, ultimately.

Q. Do you know anything about whether he is living or not? A. I have heard that he was dead.

Q. Do you know about how long it was after he was released from the reformatory that he died? A. I heard it stated in New York; it was in the neighborhood of ten months or a year.

Q. Do you know anything about his being punished before he was taken to the hospital? A. No, sir.

Q. Can you state what was the cause of these swellings? A. Tuberculous disease.

Q. Was he at any time in the physical culture department? A. No, sir.

Q. Can you state with any degree of definiteness the extent to which the disease that he had had affected him at the time he left the reformatory? A. He was declining; he was losing flesh; in recognition of that fact he was placed out of doors where he did little or nothing; had the air.

Q. Wasn't required to perform much of any labor? A. No, sir. He was a messenger and out in the yard sweeping; that means he did as he pleased.

Q. Did you regard the disease that he had an incurable one? A. The disease is progressive, yes, sir; may be arrested or may progress, and finally that class of cases die; with involvement of the lungs, with consumption.

Q. In refernece to all these cases to which your attention has been called, do you recollect them distinctly? A. I recall the men.

Q. Can you do so without the aid of any memoranda or anything? A. Yes, sir; I recall the men; the memoranda brought back to mind certain details in connection with their case, but the individuality of those you have named I have in mind.

Judge Gilbert.— I will state that I think that the better way in order to get along with this examination as speedily as possible, is simply to put those questions which I am requested to put on the part of the parties presenting the witness, and when through with that I will put any question which may be suggested on the part of the prosecution by way of cross-examination.

Mr. Litchfield.— It seems much the quicker way, and I prefer to have it go on in that way.

Mr. Stanchfield.— We want to introduce here a letter which was written by Mrs. Smith, the mother of the prisoner Edwin T. Smith, who testified at the hearing in the city of New York.

March 9, 1889

Z. Brockway:

Dear sir.— It is with heartfelt sorrow, I did so hope that you would grant my wish and allow my son to come home; it was

a very anxious week to me, I can assure you; my object in going up there was a hunger for a look at my only son, whom I had not seen for nearly three long and weary years. I can plainly see death in his face; you see him every day, and the change has come so gradually that you have not noticed it so much. But I had not seen him for so long a time I saw in a moment how he had changed for the worse. I know by the color of his skin his kidneys are affected. I am afraid Bright's disease will set in. He spoke highly of the institution. Homesickness is helping to kill him. I cast no reflection on your doctor's skill, when I asked you to let my son come home; I feel if his homesick feeling was removed from his mind he might possibly recover; he does not know that I have asked you to let him come home; I did not want to raise hopes that may never be realized. I know he has been a wicked boy, but I think he has paid dearly for his folly by being deprived of his liberty so long. And now his health being broken down, if he lives, I think he will live an honest life for the future. But I fear he will never get well while under restraint, and with that terrible homesick feeling, but I am certain if he is kept there many months longer he will die. If you could find it in the kindness of your heart to grant me the poor comfort of having my unfortunate boy after so long separation; if he must die let him die at home. By doing this you will relieve the despairing hearts of a mother and father who have never wronged anybody in their lives. I beg of you to bring this case before the board this month. We are able to take care of him until he gets well again, and then we have the promise of work for him. Hoping for a favorable result, I remain,

"Yours respectfully,

"Mrs. L. A. SMITH,"

*One Hundred and Two East Thirty-first Street, New York City.*

Mr. Babcock.—The reformatory record shows that he was paroled March 25, 1889, a very few days after that letter was written.

Judge Gilbert.—The prosecution want to know if this letter was identified by Mr. Smith.

Mr. Stanchfield.—No; there is no mark on it. We will make the technical proof if that is desired. We can prove this; that that letter was received in the ordinary course of mail, and filed with the records of the reformatory. It will be for you to say whether that raises a sufficient probability of its being a genuine letter or not. That is all we would be required to prove.

Oscar Hoppe, recalled:

Examined by Mr. Litchfield:

Q. That letter was duly received, according to those dates, in proper course? A. Yes, sir.

Mr. Litchfield.— We will admit the letter.

Dr. H. Wey, recalled:

Examination continued:

Mr. Babcock.— The record shows Smith was spanked twice only; the 27th of September, 1886, and the first of March, 1887; two years before his parole.

Q. Do you recollect the inmate, Jacob Myers, consecutive No. 2461? A. There have been several Myers' there; I don't place Jacob Myers.

Q. (Showing photograph.) Do you remember a man named Myers, also called Shinsky? A. I know a man Myers also called Shinsky:

Q. Do you recollect that one? A. No; I don't recall the man.

Q. Do you recollect any man by the name of Myers that ever exhibited to you a black eye, which he claimed he had received in the bath-room? A. No, sir; I have no recollection of it.

Q. Don't recollect ever examining him? A. A man by the name of Myers; no, sir.

Q. Do you remember a man named Thomas J. Miller, consecutive number 2780? A. Yes, sir.

Q. Was he ever in the hospital? A. I think not; no, sir.

Q. Was he at any time bruised or cut about the head in any way and you treated him? A. No, sir.

Q. Did you ever treat him for anything? A. Yes, sir.

Q. For what? A. Some ailments.

Q. What ailments? A. Diarrhoea, or constipation, or indigestion.

Q. Never dressed any wound for him? A. No, sir.

Q. Do you remember anything about what the condition of his teeth was? A. He had carcous teeth, rotten teeth.

Q. Ever complain to you any of them had been broken off by blows that he had received in the bath-room? A. No, sir; I remember his case very distinctly, because after the dentist extracted his teeth, preparatory to making a plate, Miller came to me and I gave him a special ration for some time; I gave him milk, mush, soups.

Q. When special rations were given to the inmates it was usually upon your order? A. Yes, sir.

Q. It was a part of your duty to see or determine whether an inmate should receive special rations or not ? A. Yes, sir.

Q. Miller claims that upon one occasion he was kicked by Mr. Brockway, and that you dressed the wound caused by that kick; is that true ? A. No, sir.

Q. Did anything of that kind ever occur ? A. No, sir; I never dressed any wounds resulting from alleged injuries of that description.

Q. Do you remember Charles Bramst, consecutive number 2882? A. Yes, sir.

Q. Did you ever treat him for an injury which he received ? A. Yes, sir.

Q. What injury was it ? A. He had a scalp wound.

Q. Where did he receive it ? A. He received it in the cabinet shop.

Mr. Hoppe.—I want to state from the records that Charles Bramst was sent out to work again immediately after each of the spankings which he received.

Mr. White.—We would like to put in the number of times he was paddled: April 25, 1888, H; April 26, 1888, L; December 12, 1888, H; August 21, 1890, K; September 1, 1890, P; September 3, 1890, L; September 15, 1890, L; October 15, 1890, LL; December 23, 1890, L; February 20, 1891, L; February 25, 1891, LL; March 26, 1891, L; discharged at the expiration of his maximum sentence.

Q. Do you know an inmate named John Maloney, consecutive number 3448 ? A. Yes, sir.

Q. Did you treat this man at any time within a week before he died ? A. Yes, sir; I saw the man.

Q. Where did you see him ? A. I saw him in his cell.

Q. Did you prescribe anything for him ? A. No, sir.

Q. How did you happen to see him in his cell; how was your attention called to his case ? A. He remained in his room one morning.

Q. You were notified of that fact and you examined him in his cell ? A. Yes, sir.

Q. What conclusion did you come to ? A. I sent him out.

Q. That he was not ill ? A. Yes, sir.

Q. And able to work ? A. Yes, sir.

Q. Did you see him again before he died ? A. I think I did; yes, sir.

Q. Where ? A. In his room.

Q. How was your attention called to him that time ? A. The same as the preceding day, or the day before that.

Q. What was the result of your examination? A. Sent him out as not ill.

Q. Did you see him again after that before he died? A. Yes, sir.

Q. Where? A. In his room.

Q. What was the result of that examination? A. I sent him out again.

Q. How many days was that before his death? A. I saw him October 2, 1889, and October 12, 1889.

Q. Was October twelfth the last time you saw him? A. I think it was.

Q. Do you remember when he died? A. The record shows he died October 17, 1889.

Q. What do you say was the cause of his death? A. I was away from home at the time of his death.

Q. You were not present at the autopsy? A. No, sir.

Q. And didn't see the inmate again after the twelfth of October? A. No, sir.

Q. Either dead or alive? A. No, sir.

Q. Did you, at the time you examined him, discover that he had any heart ailment? A. No, sir.

Q. How did you examine him? A. I examined the man; listened to his story; I had examined him repeatedly before that on a number of occasions, stripping him, and was unable to discover any heart trouble or any affection of the lungs.

Q. Why did you make such an examination? A. Because the man stated he was unable to work.

Q. Why did he say he was unable to work? A. He didn't feel strong; didn't feel well.

Q. Didn't he complain of a heart difficulty? A. No, sir.

Q. Why did you then examine his heart? A. As a matter of caution.

Q. Was that all the examination you made? A. I examined the heart and examined the chest and examined his lungs.

Q. Was that all the examination you made? A. Yes, sir.

Q. You discovered nothing? A. Nothing; there was nothing about the man that would indicate he was ill, either in his appearance or in his voice or anything.

Q. You know nothing about what was given him during the night before he died? A. No, sir; I was not at home.

Q. You were absent about a week or ten days about that time? A. Yes, sir.

Q. During your absence who took your place? A. Dr. E. A. Reilly.

Q. A physician residing in Elmira? A. Yes, sir.

Q. Did I understand an autopsy was held on this person? A. I was told so.

Q. Did you see any record of it? A. I saw a minute made in the hospital diary.

Q. Have you got it with you? A. I have not the original; I have a copy.

Q. An exact copy from the hospital record? A. I wouldn't swear it was word for word.

Q. You learned afterwards an autopsy was held? A. A coroner was notified and at his request Dr. E. A. Reilly and Dr. Ross performed an autopsy.

Q. What does the record show was the cause of his death? A. The record stated the cause of his death was mitral insufficiency; valvular insufficiency of the heart.

Q. Is that a disease that may develop suddenly or rapidly? A. It might develop suddenly under certain conditions.

Q. Do you think it could develop sufficiently in six or seven days to produce death; in other words, conceding that he died of that disease, would you say that he might not have had that at the time you examined him? A. He might have had it at the time I examined him, and the trouble have been so slight as to have escaped observation, escaped detection.

Q. And developed in the six or seven days sufficiently to produce death? A. I don't know how extensive it was; I have no knowledge of the morbid conditions that were found.

Mr. Babcock.— I want to put in to the case, in connection with the punishments read by the other side of Charles Bramst, that the record further states that Bramst received thirty-one warnings, reproofs and admonitions during the time covering those punishments, and his principal offense while in the institution, as appears from the record, was dshonesty, drawing obscene pictures, fraud at examination, disturbing religious service, insubordination, disobedience, insolence, lying, vulgarity, conspiring with other inmates in an attempt to escape, fraud, impudence.

Q. Do you know where this man died? A. He died in his cell.

Q. You understood he died in his cell? A. Yes, sir.

Q. Do you know how the hospital record came to say he died in the hospital? A. The hospital record don't show he died in the hospital.

Q. Do you recollect inmate 3543, George Cowen? A. Yes, sir.

Q. Did you ever treat him for any illness? A. Yes, sir.

Q. What? A. Treated him for hernia.

Q. Did you ever treat him for an injury which he claimed he had received from the superintendent? A. No, sir.

Q. Or that he received while in the gymnasium? A. No, sir; he had a hernia at the time he was received, not as in the origina charges, this violence was produced by violence by himself, which he afterwards modified in New York by the statement that I inflicted violence upon him, but not in connection with this violence.

Q. Did you at any time kick this man? A. No, sir.

Q. In any part of his person? A. No, sir.

Q. In the gymnasium or any other place? A. Never laid a hand upon the man.

Q. Acquainted with inmate Hugh Lavery, consecutive No. 3682? A. Yes, sir.

Q. Was he ever taken to the hospital to be treated for any injury he had received? A. My recollection was he had a scalp wound.

Q. Do you know where he received it? A. My impression was at that time he received it in a fight.

By Mr. Litchfield:

Q. You testified in relation to a man claimed to have been kicked by you? A. I meant I had laid no violent hands upon him.

Q. That is the way the committee understood you, but wanted it right on the record.

By Judge Gilbert:

Q. You say you treated Hugh Lavery for scalp wound, which you understand he received in a fight? A. Yes, sir.

Q. Did he claim to you he received the wound in the bath-room? A. No, sir.

Q. Can you describe the wound you dressed? A. I think it was a scalp wound about three-quarters of an inch or an inch in length, just back of the margin of the hairy scalp.

Q. Had it been bleeding? A. Bled somewhat.

Q. Who accompanied him to the hospital? A. That I do not know.

Q. Who was present besides yourself when he was treated? A. The steward.

Q. Do you know where he received the wound? A. No, sir.

Q. Do you know an inmate named Michael Coyne? A. I recall such a man as having been there.

Q. Do you remember treating this man while he was in the reformatory? A. I remember seeing the man.

Q. Did you ever treat him for anything; did you ever treat him for sore eyes, or defective eyesight? A. I never treated him for

defective eyesight, because he had such condition of his eyes that treatment would avail nothing.

Q. State what you discovered in relation to his eyes? A. He had had inflammation of the cornea, which had left a partial opacity of the sight of the eye.

Q. How soon after he was admitted to the reformatory did you make that examination? A. I think I saw it at the time, or immediately after his admission.

Q. Do you recollect whether you did or not? A. That is my impression; I couldn't swear as to how soon.

Q. Can you state positively within what time you did examine his eyes? A. No, sir; I can not.

Q. Did this difficulty or defect refer to both eyes? A. That is my recollection; both eyes.

Q. You claim it was a defect produced by inflammation at some time? A. Yes, sir.

Q. Can you state more definitely what the effect of that disease is upon the sight generally? A. If it is extensive enough it would destroy the sight; there may be a partial opacity.

Q. Was there an inflamed condition of the eyes at the time you examined them? A. No, sir.

Q. Do you know whether this man had been punished in the bath-room previous to that examination? A. I do not.

Q. Did he at the time claim that he had? A. No, sir.

Q. Do you recollect distinctly what was said between you and him? A. It related altogether to his eyes, and in regard to his ability to perform certain kinds of work.

Q. What kind of work was he performing? A. I do not know; I only know he consulted me in regard to his eyes.

Q. What conclusion did you come to? A. That the man had defective eyesight.

Q. That he could or could not perform the work he was then performing? A. I do not know what his work was at that time.

Q. You say you examined the eyes because he claimed he could not perform the work he was then engaged at by reason of defective eyesight? A. Yes, sir.

Q. Do you remember what work it was he was performing? A. I do not.

Q. Do you remember that you told him that he could perform that work or not? A. Allowances were made, his shortages in labor were made up to him on account of deficient eyesight.

Q. But he was continued, as you understand it, at that same kind of employment? A. I did not know his task was lightened, but his shortage was allowed.

Q. Do you remember Robert Harrigan, consecutive number 4074 ? A. Yes, sir.

Q. Was he ever in the hospital for treatment ? A. No, sir.

Q. Did you ever treat him at all ? A. Yes, sir; I think I have treated him; I wouldn't swear as to the precise trouble; I think I have treated him for influenza, grip; I have seen him for boils.

Q. Ever treat him for rheumatism ? A. No, sir.

Q. Ever treat his limbs, or either of his limbs, for any cause or purpose ? A. No, sir.

Q. Did you ever examine his right leg ? A. Yes, sir.

Q. What did you find in reference to its size ? A. About half an inch smaller than the left; which is natural in every man; the left leg is larger than the right, and the right arm is larger than the left.

Q. Did you examine his hip ? A. Yes, sir.

Q. What did you find in reference to that? A. Nothing.

Q. Find it different in shape from the other ? A. The diameter of the left thigh is larger than the right; is in most of men.

Q. Did you find anything indicating that the shape of his right hip was different from the left in this, that it sunk in at one point, the left hip, or not? A. No, sir.

Q. Do you remember inmate 4346, Samuel Gross ? A. Yes, sir.

Q. Was he ever at the hospital to be treated? A. Yes, sir.

Q. What for? A. Hernia.

Q. Was there any physician called in consultation with yourself? A. Yes, sir.

Q. What was his name? A. Dr. H. D. V. Pratt.

Q. What time was that? A. That was the afternoon of June, 24, 1891.

Q. What was the trouble ? A. He had hernia; he presented the evidence of stangulated hernia.

Q. You called in Dr. Pratt to assist you? A. In consultation.

Q. Had you treated him for hernia before that? A. I saw him the morning of that day for the first time; the night of the twenty-third he left school on account of his hernia; when I saw him the next day his symptoms were alarming; symptoms of strangulation were present, and I desired counsel in the case to determine whether we should go on and operate or whether we should wait, and I summoned Dr. Pratt; he went up there; we examined the man; we couldn't reduce it; we put him under the influence of an anaesthetic, and after manipulating the hernia for some time we returned it into the abdominal cavity; the man remained in the hospital until the twenty-sixth, when he was discharged; and in the meantime I secured him a truss, which he wore until the time he left the reformatory.

Q. The first that you knew that he had hernia was the day before you treated him ? A. It was the day I treated him; I said he left school the night before.

Q. I suppose you knew of that fact? A. I knew of that fact, but I did not treat him.

Q. The first that you knew that he had a hernia was the day before you treated him ? A. By hearsay; my first personal knowledge was that morning.

Q. The first personal knowledge you had was on the morning of the day you treated him? A. On the morning of the twenty-fourth, and I removed him instantly from the cell to the hospital.

Q. What do you say as to whether that was an old hernia or a recent one? A. Our opinion at the time that it was a hernia of some standing.

Q. How did you arrive at that conclusion? A. The parts were thickened; the ring was large; that is, the opening through which the gut protruded from the bowel; by examination of the parts we reached the conclusion it was not a recent occurrence; it would be unusual or remarkable for a new, recent hernia, to get down and become irreducible.

Q. Do you say the indications present were such that you could arrive at an accurrate conclusion as to whether it was of recent origin or not? A. I could reach an opinion from the size of the hernia; the amount of gut which there was in the scrotum.

Q. As to whether it was in fact of recent origin or not you couldn't say positive? A. I couldn't swear; I could only give my impression.

Q. Is this man still in the reformatory? A. No, sir.

Q. Do you know whether he continued to wear a truss up to the time he left the reformatory? A. Yes, sir; a few days before he left the reformatory I had his truss repaired.

Q. Do you know whether he had been punished in the bath-room a short time before you treated him? A. I do not.

Mr. Babcock.— In that connection we want to put in the minutes from the reformatory record that the bath-room treatment received by Bross was on the 29th day of July, 1891; more than a month after his hernia was reduced, as stated by Dr. Wey.

Judge Gilbert.— The prosecution desire to put in this part of the record: "July 29, 1891, F blows; September 17, 1891, D blows; September 30, 1891, D blows."

Q. Do you remember an inmate by the name of Frank Finch, consecutive No. 4537? A. Yes, sir.

Q. Do you remember of his being in the hospital for medical treatment? A. Yes, sir.

Q. From what date to what date? A. He was there from February 11, 1892, to April 4, 1892.

Q. Do you remember what the difficulty was with him? A. Inflammatory rheumatism; he was also there from November 22, 1892, to January 25, 1893; same disease.

Q. Do you know in what part of the reformatory he had been confined previous to his going to the hospital? A. No, sir.

Q. Know whether he had been in the solitary or not? A. Do not.

Q. Do you remember consecutive No. 4594, James J. Shortel? A. Yes, sir.

Q. Was he ever in the hospital for medical treatment? A. No, sir.

Q. Did you ever treat him professionally at any time? A. Yes, sir.

Q. For what? A. Influenza.

Q. Anything else? A. Yes, sir; I have him under charge now; or did.

Q. Prior to September did you ever treat him for anything else? A. Yes, sir; treated him a year or so ago, when there was an epidemic of diarrhoea trouble.

Q. Did you ever treat him for sore eyes or anything of that kind? A. No, sir.

Q. Keep a hospital record? A. Yes, sir.

Q. Did you ever know of his eyes being injured, or either of them injured? A. No, sir.

Q. Or the sight injured? A. No, sir.

Q. From a blow or anything else? A. No, sir.

Q. Did he ever, at any time, complain to you that his eyes had been injured, or either of them had been injured, by a blow received in the bath-room or any other place? A. No, sir.

Q. Remember consecutive number 4710, Frank Koenig? A. There was such a man there.

Q. Do you remember him? A. I don't recall him at the present time.

Q. Did you ever treat his eyes professionally? A. I don't recall the man; I couldn't state.

Q. (Showing photograph.) Do you recollect him? A. Yes, sir.

Q. Did you ever treat him professionally for sore eyes, or injured eye? A. I think not.

Q. Can you say positively you didn't? A. I have no record of it at all.

Q. Do you always make a record of every case that you treat in the hospital? A. Yes, sir.

Q. Keep a regular hospital record? A. Yes, sir.

Q. Giving the name of patient, time of treatment, and the nature of the difficulty that the inmate has at the time? A. Yes, sir.

Q. You say you have no record of any such treatment as this? A. No.

Q. Do you recollect that he ever made any complaint to you about injuries he received to his eyes while in the bath-room? A I do not.

Q. Recollect anything of that character relating to this or connected with this man, Koenig? A. No, sir.

Q. Do you remember inmate 4768, John McCormick? A. Yes, sir.

Q. Did you ever treat him professionally in the hospital? A. To the best of my recollection not.

Q. Did you ever examine him or treat him professionally at any other place or part of the reformatory? A. I might have done so; I won't state; I can't state.

Q. Did he at one time claim to you that he had hernia? A. That was the man that was seen at Dannemora?

Q. At Auburn. A. He was at Dannemora.

Q. Did you ever examine him to see whether he had a hernia or not? A. You are right; it was at Auburn.

Q. Did you ever examine that fellow to see whether he had a hernia or not? A. You are thinking of another man; Dr. Smith examined McCormick in New York city, and the question of spinal curvature came up.

Q. That is another McCormick; don't you remember examining this man at Auburn to see whether he had hernia or not? A. Yes, sir; I recall that picture.

Q. Did you ever examine him while he was in the reformatory for the purpose of seeing whether he had any such ailment or not? A. Yes, sir.

Q. You remember that you did? A. Yes, sir.

Q. What conclusion did you come to? A. That he had had hernia at one time, and had been operated upon, been relieved of it.

Q. What did you claim at the time he made complaint to you? A. That he was not ruptured.

Q. Did you at that time say to him that he was a fraud and that he had no ailment? A. I told him so; yes, sir.

Q. Was he sent to his work? A. I examined him in the shop.

Q. He was continued at his employment? A. Yes, sir.

Q. Do you remember an inmate named James Joseph Reilly, consecutive number 4776? A. Yes, sir.

Q. Did you ever treat him professionally in the hospital? A. Yes, sir.

Q. For what difficulty? A. Shingles.

Q. When was it he entered the hospital? A. He was in the hospital from August 14 to August 25, 1893.

Q. Never in the hospital more, than once for treatment? A. A. He is in the hospital at the present time.

Q. How long has he been in the hospital this time? A. I think since Saturday.

Q. Was he ever in the hospital at any other times than those you have mentioned? A. No, sir.

Q. What is the difficulty now? A. He has an abscess in the elbow.

Q. Did he ever at any time complain to you he had been injured in the bath-room or any other place? A. No, sir.

Q. That his kidneys were injured? A. No, sir.

Q. Did you ever treat him for any such difficulty? A. No, sir.

Q. Did you, upon this occasion, when he entered the hospital, examine him to see what the difficulty was with him? A. Yes, sir.

Q. Did you examine him for the purpose of seeing whether he had any kidney disease? A. I examined his back; yes, sir; to locate the trouble; the trouble was upon the side near the back.

Q. Did you discover the existence of any kidney disease? A. I didn't examine him for any kidney disease.

Q. Or any injury? A. No, sir.

Q. Do you remember an inmate James Ahearn, 4823? A. Yes, sir.

Q. Was he ever treated in the hospital professionally by you? A. I do not think that he was.

Q. Did you ever treat him at any place? A. Yes, sir.

Q. For what? A. I treated him for epidemic influenza; treated him for diarrhoea.

Q. For anything else? A. He seen me in regard to rectal fistula; I gave him dressings.

Q. Did you operate upon him? A. No, sir; he had been operated upon a good deal until the result was the muscle had been entirely destroyed.

Q. At different times you gave him such medicines and such medical treatment as you thought his case required? A. Yes, sir; my record shows I saw him thirty-six times in sixteen months, and in the meantime supplied him with dressings, gauze and oakum bandages, upon note.

Q. Did you at any time refuse to furnish him such things as were necessary and proper for him to have in connection with

those difficulties that he complained of? A. Never; because these things were necessary and essential to his comfort.

Q. While he was suffering from these difficulties did you require him to go to his work? A. At my request he was taken out of the work and placed out doors in the yard sweeping; nothing was required or expected of him.

Q. Do you remember consecutive number 5178, Quinn? A. I can not say that I do; I don't locate him.

Q. Quinn claims at one time after he was punished in the bath-room that he was taken to the solitary and that you saw him there and felt of his pulse; did anything of that kind occur? A. I have no recollection of it.

Q. Do you recollect of that occurring in connection with any inmate of the reformatory? A. I visited them in the solitary; yes, sir.

Q. Under such circumstances, after they came from the bath-room? A. Yes, sir.

Q. And have felt of their pulse? A. Yes, sir.

Q. You do remember such cases? A. Yes, sir.

Q. How many of them? A. I suppose five, or six, or a dozen.

Q. At whose request? A. The superintendent.

Q. Upon those occasions would you prescribe for them? A. No, sir; not necessarily.

Q. Did you? A. No, sir.

Q. Direct what their diet should be? A. No, sir.

Q. Nothing of that kind? A. No, sir.

Q. Do you remember consecutive number 5344, Harry Pearce? A. Yes, sir.

Q. Did you ever treat him professionally in the hospital or any other place? A. Never treated him in the hospital; I have elsewhere.

Q. For what? A. For deafness.

Q. Anything else? A. Minor complaints.

Q. Do you know when he entered the reformatory? A. No, sir.

Q. Do you know when it was you treated him for deafness? A. It was early last summer.

Q. How long had he been in the reformatory? A. It would only be a guess on my part; I should say he had been there perhaps two years.

Q. When did he first complain to you that he was deaf? A. Late last spring or early in the summer.

Q. When he first applied to you did you give his case proper attention? A. Yes, sir.

Q. And treatment? A. Yes, sir.

Q. Can you state what the probable cause of his deafness was? A. My opinion at the time it was syphilitic in its nature; he had been a sailor, led a roving life, gave a history of repeated venereal diseases.

Q. Was this deafness in both ears or one? A. Both ears.

Q. You attributed the cause to what? A. That it was syphilitic.

Q. What is your opinion now, the same? A. Yes, sir.

Q. In your opinion would that ailment produce the result deafness? A. Deafness frequently results from syphilitic trouble.

Q. Do you remember consecutive number 5355, Murray? A. Yes, sir.

Q. Do you remember the particulars relating to his death? A. Yes, sir.

Q. State them. A. I saw him April thitreenth last; at that time there was a swelling in the arm pit, a swelling about the size of a pigeon's egg; it slowly continued to increase, interfered somewhat with the motion of the arm and upon May fifth it began to soften and presented evidence of a suppuration, and on the tenth of May I opened it and dressed it and had the boy under observation from that time up until the twelfth, two days later.

Q. On the twelfth of May what occurred? A. I saw his arm dressed.

Q. Did you lance it or treat it? A. I opened it on the tenth; then he got along very nicely and May twenty-fourth he remained in his room; he had influenza and seemingly and apparently a mild case; nothing unusual about it until May twenty-ninth, when there was a relapse and I removed him to the hospital, pneumonia declared itself and he died on the tenth of June.

Q. Did this abscess heal up during that month? A. Yes, sir.

Q. Did it leave any scar or mark? A. The scar of the knife.

Q. The bunch had disappeared at the time? A. Yes, sir.

Q. Can you describe the scar? A. The scar was probably an inch and a half in length in the arm pit.

Q. So when the arm was down it was out of sight? A. It wasn't preceptible.

Q. The scar was about an inch and a half long? A. Yes, sir.

Q. Wasn't that rather an unusual length for a scar where the bunch was only the size of a pigeon egg? A. I say when I first saw it.

Q. How large was it when you operated on it? A. About the size of a hen's egg.

Q. Increased in size after he was taken to the hospital? A. No, sir.

Q. Did it increase in size before he was taken to the hospital? A. There was no bunch there when he was taken to the hospital; I opened it on May tenth; it discharged freely and healed up and he went to the hospital May thirtieth, twenty days afterwards.

Q. At the time he was taken to the hospital it had healed up entirely? A. Yes, sir.

Q. Did you examine this man Murray to see whether there was any indication by way of bruises or marks indicating that he had been severely punished? A. I didn't examine him with that view; I examined his back and saw no marks such as you have described.

Q. You saw no marks upon his person anywhere indicating he had been severely punished? A. I saw no marks.

Q. You say you examined his back? A. Yes, sir.

Q. Did you see anything indicating that he had received severe blows in the face or over the head? A. No, sir.

Q. Can you say positively that after Murray was taken to the hospital that there were no marks upon his face or upon his person anywhere indicating that he had been severely punished? A. I can say so; yes, sir.

Q. Do you remember consecutive number 5463, Daniel J. Mahoney? A. Yes, sir.

Q. Did he die in the reformatory? A. Yes, sir.

Q. Did you treat him professionally in the hospital? A. Yes, sir; two occasions.

Q. What was his illness the first time? A. October 15 to October 27, 1892, acute bronchitis; the next time was March 31, 1893, to May 14, 1893; influenza followed by acute bronchitis.

Q. What was the cause of his death? A. Acute bronchitis; secondary cause.

Q. Do you know whether he had been punished before he was taken to the hospital? A. I have no personal knowledge of it; no, sir.

Q. Did you see anything upon his person indicating he had been punished? A. No, sir.

Q. Any bruises upon his head or person anywhere indicating that? A. No, sir.

Q. Did he make any complaints to you or to anyone else in your hearing that he had been severely punished in the bath-room? A. No, sir.

Q. Or anywhere else? A. No, sir.

Q. Or been severely treated by any of the officers or the superintendent? A. Made no complaints to me.

Q. Do you remember consecutive number 5892, John Lynch? (Photograph shown witness.) A. Yes, sir.

Q. Did you ever treat him for an injured eye? A. No, sir.

Q. Did he ever complain to you that he had been severely punished in the bath-room? A. No, sir.

Q. Did you ever see him when blood was running from his face? A. No, sir.

Q. Either in the hospital or anywhere else? A. No, sir.

Q. Did you ever, at any time, examine his eye when he was in the solitary? A. I have no recollection of it.

Q. After such examination refuse to treat him? A. No, sir.

Q. You say you don't recollect of ever seeing him in the solitary, or examining him with reference to an injured eye? A. No, sir.

Q. Will you say positively you did not see him? A. That is the best of my recollection.

Q. Do you remember an inmate named Charles Cleere? A. Yes, sir.

Q. Was he ever in the hospital for medical treatment? A. He was in the hospital; yes, sir.

Q. Did you treat him? A. Yes, sir.

Q. For what? A. For an abscess.

Q. Where? A. Above the right groin.

Q. How long a time did you treat him after that? A. Nearly three months.

Q. Was that the only difficulty or illness you treated him for? A. Yes, sir.

Q. When was it? A. From April 28, 1891, to the latter part of July, 1891.

Q. Had this man Cleere, previous to his going to the hospital, been punished in the bath-room? A. I only know from hearsay.

Q. Did he have upon his person any marks or bruises indicating that he had been severely punished? A. No, sir.

Q. Did you examine him for the purpose of seeing? A. Not for the purpose of determining whether he had been punished or not.

Q. Did he, at that time, make any complaint to you that he had been severely punished? A. No, sir.

Q. At any time during the entire time you were treating him for this abscess? A. No, sir.

Q. Or at any other time while you were treating him? A. He was in the hospital for peripyphitic abscess; the only sensations he referred to or complained of were referrable to this abscess.

Mr. Babcock.— I want to put in Cleere's record.

The following is a copy of the same:

4020 — CHARLES CLEERE.

Received April 30, 1890; receiving stolen goods; maximum, five years; age, 17 years. November 1, 1890, promoted to upper first

grade; February and March, 1891, imperfect record; April 1, 1891, unless nine for April reduce; April 16th to 22d, 1891, in reception-room; April 20, 1891, No. 4 L; April 22, 1891, reduced to new second grade for stealing and distributing examination questions; April 22 to April 24, 1891, rest cure; July 1, 1891, restored to lower first grade; October 1, 1891, unless nine for October reduce; February 1, 1892, unless nine for February reduce; March 1, 1892, promoted to upper first grade; August 30, 1892, paroled.

Labor record.—From May 6, 1890, until February 19, 1891, employed all day in the printing department. February 19, 1891, monitor of the printing class forenoon; at his trade in the afternoon. April 25, 1891, removed from the printing class and assigned to work in the umbrella shop. July 30, 1891, transferred to hall, filling beds, one-half day; the other half about the yard. August 7, 1891, made messenger of the umbrella shop all day. August 24, 1891, returned to trade class one-half day each day, continuing as messenger the other half. February 2, 1892, assigned to printing class all day, and continuing at this employment until August 30, 1892, the day of his parole.

Record of sickness.—April 25, 1891, remained in room, claiming a cold; remained in room until April 28, 1891, then transferred to hospital; May 3, 1891, hospital record shows that Dr. H. D. Wey performed an operation on Cleere—an abscess in right side of abdomen; July 10, 1891, removed from hospital at 2 p. m.; remained in room until July 11, 1891, out at 9.45 a. m.

Q. Do you think the abscess you refer to was probably caused by any punishment he had previously received upon his buttocks? A. No, sir.

By Mr. Litchfield:

Q. Do you know the anterior history of the patient sufficiently to know whether he had suffered from appendicitis before? A. He gave no history of previous trouble of that kind.

Recess.

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AFTERNOON SESSION.

Dr. H. Wey, recalled:

Examination continued by Judge Gilbert:

Q. On the part of the prosecution there has been some evidence introduced in reference to the manner in which some of the inmates have been treated, who it is claimed were guilty of masturbation, and that you resorted to a treatment known as

intribulation; what was there about that? A. That was a ringing of the foreskin so as to prevent drawing it back, and exposing the glans penis, a mechanical contrivance to prevent masturbation.

Q. Was that a method that was regarded as proper treatment in such cases? A. It is in vogue in Joliet penitentiary in Illinois; they speak highly of it and I employed it in a number of instances.

Q. About how many cases in all? A. I think six; two of those it was at the request of the individual.

Q. Can you describe more minutely the manner of treating the patient? A. I can demonstrate rather than describe exactly what it is.

Q. In your own way? A. I can produce a model.

Q. Do that? A. (Presenting.) This block is supposed to represent the foreskin and the rings are passed through the foreskin, holding the large central ring in place; the idea being to prevent the withdrawing of the foreskin and exposure of the head of the penis, and also preventive of erection; I tried it in the six cases and abandoned it; it didn't answer the purpose.

Q. It wasn't done for the purpose of punishing the inmate? A. Not at all.

Q. Or inflicting on him unnecessary suffering or pain? A. Not at all; simply to prevent this vice; in every instance in which I applied the rings they were under the influence of an anesthetic.

Q. Did you ever, upon any occasion, observe blood upon the floor of the corridors? A. Yes, sir.

Q. Under what circumstances? A. After the men had been to see the dentist and had teeth extracted; after men had been injured in the various workshops by machinery and so on, in passing along the corridor to the hospital.

Q. Have you ever noticed any of the inmates having upon their faces or heads bruises indicating that they had been severely punished? A. I have seen some inmates with discolored eyes.

Q. Anything more than that? A. No, sir.

Q. To what extent and how many different cases have you noticed that and how many of them have you known to have been received in the bath-room? A. I don't think I have seen to exceed a dozen in all.

Q. Usually where were those marks? A. Upon the upper and lower eyelid.

Q. Do you mean to say that all those cases or any great number of them were caused by blows received in the bath-room? A. Some were received in the bath-room and others were received outside

Q. The aggregate amount of those that you have seen were those where blows were received outside of the bath-room as well as in the bath-room? A. Yes, sir; that includes in and out.

Q. Do you know that any of these bruises were caused by blows received in the bath-room; do you know that of your own knowledge? A. Only as I have been told.

Q. Have you ever seen any blow inflicted which caused any such appearance as that? A. No, sir.

Q. So that you didn't know of your own knowledge that any of these persons that you saw with a black and blue mark upon them received those marks in the bath-room? A. Not from personal knowledge.

Q. Have you ever seen any of the inmates with abrasions or cuts upon their faces or heads? A. Yes; with abrasions and cuts.

Q. Have you seen any that you know received those injuries in the bath-room? A. No, sir; those I speak of were received outside, accidents.

Q. You know they received them outside or you were informed? A. I didn't see them receive them; I was so informed by the subject.

Q. I take it, from your connection with the reformatory and in the performance of your duties there, that you have frequently been brought into communication with the inmates; and seen them at different times and different places throughout the reformatory? A. Yes, sir.

Q. Almost daily? A. Yes, sir.

Q. And have also observed the treatment of Mr. Brockway, the superintendent, as he went around among them? A. Yes, sir.

Q. His bearing toward the inmates? A. Yes, sir.

Q. So far as you have noticed or observed his bearing toward them, what do you say; how would you characterize it, as kind or unkind? A. I should not characterize it as unkind.

Q. Can you state more fully; can you describe it more fully than you have; that is, as a general thing, how did he treat the men when he would converse with them or pass around among them? A. His manner was pleasant; I have seen him going through the shops exchanging the tidings of the day with them.

Q. Pleasantly? A. Yes, sir.

Q. Were you ever present when he reprimanded an inmate? A. I have seen him reprove.

Q. Can you describe the manner in which that was done? A. Simply the manner that any one in authority would assume in rebuking or reproving one under him.

Q. Did you ever hear him use harsh or abusive language? A. No, sir.

Q. Profane language? A. No, sir.

Q. Ever hear any of the officers use profane language to the inmates in your presence? A. No, sir.

Q. Was any complaint made to you at any time by the inmates to the effect Mr. Brockway's treatment was not kind? A. No, sir.

Q. During the entire time that you have been connected with the reformatory as an officer, you have been residing in the city of Elmira? A. Yes, sir.

Q. Having your regular office there and engaged in a regular practice as physician and surgeon? A. Yes, sir.

Q. When not engaged in the performance of your professional duties at the reformatory you have given your attention to your general practice? A. Yes, sir.

Q. As I understand it, from about 12 o'clock or 12.30 p. m. until the next morning at, say about 8 or 9 o'clock, you didn't attend at the reformatory unless specially requested or required to do so? A. Unless summoned for a special case or, in my judgment, later in the day some particular case was deemed advisable.

Q. I understand that between those hours there was no regular physician in attendance be at the reformatory; that is, from 12.30 or 1 p. m. to 8 or 9 o'clock the next morning? A. No, sir.

Q. In case of any sudden illness on the part of an inmate or in case of a severe accident or injury happening to an inmate there was not any regular physician present to look after the case? A. There was no resident physician.

Q. I understood you to say that they could communicate with you by telephone? A. Yes.

Q. For how long a time has there been electric car communication between the city and the reformatory? A. Since last May.

Q. Prior to that time what was the ordinary means of conveying you from the city to the reformatory? A. I would either drive up or go up on a wheel.

Q. The distance is about three miles? A. No, sir; about a mile and a half.

Q. What part of the city is your office in? A. Geographically about in the centre; corner of Main and Second.

Q. Near the Erie depot? A. Within two blocks.

Q. You are a son of Dr. Wey, the president of the board of managers? A. Yes, sir.

Q. Have you an office at the residence of your father? A. Yes, sir.

Q. You have offices together? A. Yes, sir.

Q. Do you practice together? A. No, sir.

By Mr. Litchfield:

Q. Is that your office we pass in the electric car on the way from the Rathbun house to the reformatory? A. Yes, sir.

Q. The office of your father as well? A. Yes, sir; it is on the line of the road leading to the reformatory.

By Judge Gilbert:

Q. Do you recollect of any instance when you have been specially required to attend at the reformatory that you have failed to attend in consequence of being absent from your office and not receiving the message? A. I am in and out there at intervals and might not have been at home when a message was received.

Q. Do you recollect of any instance when your attendance at the reformatory has been required and you have been unable to attend or have failed to attend? A. No, sir.

Q. You can't recollect any? A. No, sir.

Q. In the case of a man who died in his cell I understood you to say at that time you were absent and had been absent some six or seven days? A. Yes, sir.

Q. You didn't return until several days after his death? A. I returned some days after his death.

Q. You have no knowledge as to what medicine was given that inmate after he complained of being sick? A. No, sir.

Q. Did you ever make any inquiry in reference to it, to find out what it was that was given to him? A. No, sir; because I never heard the question raised that medicine was administered to him until long after and at that time the hospital steward that I had had left.

Q. What was it that the hospital steward gave that man that night? A. I do not know.

Q. Didn't you ever learn he gave him anything until this investigation began? A. No, sir.

Q. Never knew anything about it? A. No, sir.

Q. Didn't you inquire of the hospital steward with reference to the particulars relating to that case? A. Yes, sir; and I was simply informed the man was found dead in his cell in the morning.

Q. Didn't the hospital steward tell you what occurred the night before? A. No, sir.

Q. Didn't he tell you he was notified by some one the man was complaining and he wanted medicine? A. No, sir.

Q. That he went to the cell himself and saw him? A. No, sir.

Q. And what he prescribed for him, gave him something to make him sleep? A. No, sir.

Q. Nothing of the kind? A. No, sir.

Q. Weren't you also informed that just as soon as the man complained that he was sick and wanted medical attendance that Mr. Brockway sent word to the hospital or those in charge to see to the man, to attend to him? A. I do not know anything about that; I would say parenthetically the hospital steward has standing directions not to administer any remedies upon his own responsibility.

Q. None at all? A. No, sir; if he is in doubt or wants information or advice he comes to the telephone and calls me.

Q. Is that a written rule? A. No, sir; that is an oral instruction I have given him.

Q. Does the hospital steward frequently communicate with you by telephone or otherwise, stating the particulars relating to inmates claiming to be sick and get instructions from you as to what prescription to make or what medicine to give? A. Yes, sir.

Q. You frequently give such instructions? A. Yes, sir.

Q. Through the telephone? A. Yes, sir.

Q. Without seeing him yourself? A. Yes, sir.

Q. As I understand you, this hospital steward that was in charge at the time you refer to was not a regularly licensed pharmacist, or graduate of any institution where he was entitled to such license? A. I don't know of any school.

Q. You stated that he was an expert nurse who had been in the employ of the Willard asylum? A. The steward I have now, but the steward that was in the employ of the reformatory at the time of the occurrence of the death to which you allude were different persons; that one was a graduate of the Willard training school.

Q. But not a pharmacist? A. No, sir.

Q. Was he also directed by you not to prescribe medicines without your direction? A. Yes, sir.

Q. Will you please give his name? A. O'Brien.

Q. Do you know where he is now? A. No, sir.

Q. Was he an inmate? A. No, sir.

Q. A citizen? A. A citizen.

Q. Did you have more than one hospital steward at a time? A. No, sir.

Q. Have you had a great many different ones? A. There have been a number.

Q. Do you know about how many different ones you have had since you have been the attending physician? A. Must have been six or eight in fifteen years; I have also in the hospital a young man who acts at the present time as a dresser.

Q. You don't regard him as a hospital steward? A. Oh, no, sir; he has nothing to do with the dispensing.

Q. Are these hospital stewards sometimes inmates? A. They have been.

Q. The hospital attendants, many of them, inmates? A. Yes, sir; the hospital steward sleeps in the hospital, has general oversight and supervision.

Q. Were you ever present at any time when inmates were punished in the bath-room? A. No, sir.

Q. Never witnessed one of those? A. No, sir.

Q. Were you ever requested to be present by the superintendent? A. No, sir.

Q. Did you ever ask to be present? A. No, sir.

Q. Were you ever consulted in any way as to the propriety of administering corporal punishment to an inmate? A. I have been asked in regard to the physical condition of various men.

Q. With reference to their being punished? A. Yes, sir.

Q. Have you invariably given it as your opinion that their physical condition was such that they could receive the punishment? A. No, sir.

Q. Have there been instances where you have expressed the opinion that it was not proper, considering the physical condition of the inmate referred to, that is wasn't proper to administer corporal punishment? A. Yes, sir.

Q. Have there been many of those cases? A. Not many.

Q. Are you always consulted with reference to the propriety of administering such punishment in every instance? A. No, sir.

Q. It is only in a few cases? A. Yes, sir.

Q. I understood you to say upon your direct examination that there were instances when the superintendent requested you to go to the solitaries to see inmates that were confined there after they had been punished? A. Yes, sir.

Q. And that there were some five to a dozen such cases? A. Yes, sir.

Q. That you did examine those persons and felt of their pulse? A. I examined them and determined their general condition.

Q. What statement, if any, did Mr. Brockway make to you, what did he say to you at the time he requested you to go to a cell to examine these persons? A. I think the individuals in question had been to the bath-room and made resistance there in one or two instances in which they had blackened eyes.

Q. What I desire to know is what reason, if any, did he give why he wished you to go to the solitaries to examine these particular persons? A. By the resistance they had offered they had

received blackened eyes and wished me to examine them in reference to that.

Q. Why were you feeling of their pulse? A. To determine their general condition, strength and so on.

Q. Wasn't it true that in some of these cases he intimated to you that they had fainted or shown weakness while being punished? A. No, sir.

Q. Or that they were in a weak condition? A. No, sir.

Q. Nothing of that kind? A. There was one instance in which a man threw himself backward.

Q. Where? A. In the bath-room.

Q. Did you see that man? A. Yes, sir.

Q. In the bath-room? A. No, sir.

Q. Where? A. Down in the reception-room.

Q. Not in the hospital? A. No, sir.

Q. Do you remember the name of the man? A. It was Bennett or Dement.

Q. You were informed that was a case where a man threw himself back upon the bath-room floor and struck his head upon the floor? A. Yes, sir.

Q. Did you go to the reception-room to examine him? A. Yes, sir.

Q. What condition did you find him in? A. I couldn't see anything amiss with him; there were no marks upon his head at all.

Q. When you saw him he was standing up? A. He walked out of the cell.

Q. He was in the cell when you first saw him? A. Yes, sir.

Q. Do you know how long that was after he had been taken from the bath-room? A. Within an hour.

Q. Then you say you discovered nothing wrong as to the condition of the man? A. Yes, sir.

Q. Can you give the name of that inmate? A. Bennett or Bement.

Q. Coming back to the five or dozen different cases you say those were instances when the men had resisted in the bath-room and force had been used to compel them to submit, what, if anything, did you see in their appearance indicating that force had been used? A. In a few instances nothing beyond a black eye.

Q. Nothing at all beyond a black eye? A. No, sir.

Q. In each one of those cases you simply called there for the purpose of examining injuries to their eyes? A. Other injuries, if any.

Q. Did you examine to see whether there were other injuries? A. I didn't strip the man.

Q. Did you examine the backs of any one of these five to twelve? A. No, sir.

Q. Their buttocks? A. No, sir.

Q. Did you examine their persons anywhere except their faces? A. That is all; and asked them if they had other injuries they desired to present or show?

Q. Do you mean to say you never saw an instance where blood was flowing from any part of the body? A. Yes, sir.

Q. Never saw any blood at all? A. No, sir.

Q. Flowing from the nose, or cuts, or anything of that kind? A. I have never seen it.

Q. Simply bruised eye? A. Yes, sir.

By Mr. Litchfield :

Q. All these men had black eyes? A. No, sir.

Q. Do I understand you to testify that you were sent to look at them because they had black eyes, all this set of men? A. No, sir; if I said so I didn't express my meaning.

Q. State what your meaning was whether they all had black eyes? A. No, sir; they had not.

Q. Why were you called upon to examine them? A. They had offered resistance and to see whether they had sustained any injury.

Q. In some of those cases they had sustained black eyes A. Black eyes; in other instances nothing at all.

Q. Why were you called upon to examine them if they had sustained no apparent injury? A. Simply because a tussle had occurred in the bath-room.

Q. And the men might have been injured A. Might have been injured.

Q. Yet you confined your inquiries to the head? A. I didn't strip the body if a man was able to walk out of his cell.

By Judge Gilbert:

Q. I was referring to those instances where the men are taken from the bath-room to the solitaries? A. Yes, sir.

Q. Did you ever at the request of Mr. Brockway visit inmates that were confined in the rest cure, or in any other cells after they had been punished in the bath-room? A. Only as I have described.

Q. Did you at the request of Mr. Brockway examine inmates in other cells than the solitaries at times? A. There were men that were confined on the rest cure that I visited at his request.

Q. Did you mean at his request after they had been punished to see if they had been injured or see what their condition was?

A. I think I have described all the instances in which after being in the bath-room I have visited men.

Q. You understand my question relating to those that had been punished and afterwards confined in the solitaries? A. Yes, sir.

Q. I don't mean by that to include in the words "solitary cells" all the other cells; I ask you if you were ever requested by Mr. Brockway to visit professionally inmates in other cells than the solitaries for the purpose of seeing what the condition of the inmate was after he had been punished? A. As I have described.

Q. How many of such cases? A. I presume five or six.

By Mr. Litchfield:

Q. Do you mean with those you have already described? A. Yes, sir.

Q. Those are the only instances? A. Those are the only instances.

Q. No other instances in which you visited patients directly after punishment? A. No, sir.

By Judge Gilbert:

Q. Your answer would be there were only from five to twelve of those cases in all both in the solitary cells and in all the other cells? A. Solitary and reception down in what is called No. 4.

Q. There are different kinds of cells as they are termed in the reformatory? A. Yes, sir.

Q. The solitaries, the reception cells, the rest cure cells, and the ordinary cells, I understood you to say that from the five to twelve different occasions you had been requested by Mr. Brockway to examine inmates confined in the solitaries after they had been punished; now I ask you if in addition to those you were ever requested to examine inmates in the rest cures, or in the reception cells, or any other cells than the solitaries for the same cause? A. I have included in the reception and solitary cells the number that I have named; I have never been requested to visit men elsewhere.

Q. When you refer to the solitaries you mean all the cells? A. Yes, sir; the eleven cells.

Q. You never visited in any other cells? A. No, sir.

Q. Never was asked to? A. No, sir.

Q. Do you know whether it is customary always to take the inmates to the solitaries or the reception cells after they have been punished? A. No, sir.

Q. Do you know of instances when men were confined in the solitaries? A. Yes, sir.

Q. When they were chained there? A. Chained to the door; yes, sir.

Q. Before this investigation commenced do you know of instances when men were chained to rings in the solitaries? A. Yes, sir.

Q. Have you visited them when they were thus chained? A. Yes, sir.

Q. Is it the rule to notify you whenever men are thus confined; when an inmate is in close confinement and chained in the solitary is it the rule to notify you as the reformatory physician of the fact? A. If he is there for any length of time; if he is there over night and a portion of the day it is not customary.

Q. It is the rule to notify you whenever they are confined there beyond twenty-four hours? A. Yes, sir.

Q. Is it invariably your custom to visit inmates when thus confined? A. Yes, sir.

Q. Have you always done it? A. Yes, sir.

Q. What have you to say is the greatest length of time you have ever known a man to be confined continuously in the solitary in chains? A. I couldn't say; it was a matter which was outside of my province; I kept no record of those men to give the time.

Q. So that you haven't any distinct recollection with reference to that? A. Not in regard to the duration of time in individual cases.

Q. Nor have any memorandum or anything from which you can determine the length of time which men have been confined in that manner? A. I have no memorandum.

Q. You do say it was one of the rules of the reformatory that when a man was confined in the solitary and in chains for a greater length of time than twenty-four hours to notify you? A. Yes, sir.

Q. And after you received that notice what did you do? A. I would visit him.

Q. How often would you visit him? A. Once in twenty-four hours.

Q. Every twenty-four hours during his confinement? A. Yes, sir.

Q. Do you mean to say you can't tell anything about the length of time or the number of days you have found a man to be continuously confined in one of those cells? A. No, sir; I couldn't, because it was my province simply to go there and determine the physical condition of the man, and I went and visited him.

Q. Was that all that you were to do? A. Pass upon his health; that was all.

Q. And report? A. No, sir; unless I had some specific recommendation to make.

Q. You would simply call, see the man, and, unless you found something particular in his case, you would pass right on? A. Yes, sir.

Q. That is all you would do? A. Yes, sir.

Q. Didn't you direct what his food should be; whether bread and water or something else? A. If there was some special indication for giving him more food than he was receiving I would make the recommendation.

Q. Unless you saw something particular in his case which suggested to you the propriety of giving him something different than what he was receiving he would receive just such fare as the prison authorities saw fit to give him? A. Yes, sir.

Q. I wish you would describe minutely in your own way the manner in which you made these examinations as you made your daily rounds in the solitary cells? A. I would go down into the solitaries, go into the cell, see the man, feel his pulse, hear what he had to say, ask him how he was.

Q. That about all? A. Yes, sir.

Q. Who would accompany you? A. The hall keeper, the person having that part of the building under his control or in charge of that portion; also the hospital steward.

Q. Did you have a key? A. The hall keeper.

Q. He would let you in? A. Yes, sir.

Q. You would make the examinations you have stated? A. Yes, sir; the hospital steward would be with me.

Q. Are you quite sure that you invariably passed through that part of the prison every twenty-four hours when inmates were chained in the solitaries? A. Yes, sir.

Q. Do you do that now? A. Yes, sir.

Q. Do you consider that just as much a part of your professional duty as it is daily to go to the hospital? A. Yes, sir.

Q. And to make careful and vigilant examinations with reference to the condition of the inmates? A. Yes, sir.

Q. How were they usually chained there? A. By one wrist.

Q. To what? A. To the sliding ring.

Q. Did you ever see them chained to the stationary ring? A. Yes, sir.

Q. For what length of time? A. A day or two, possibly.

Q. Can you say they are never chained there more than a day or two? A. Not to my knowledge.

Q. Your knowledge and the examination you made? A. To the best of my recollection

Q. Are you willing to say positive they were not? A. I give you the best of my recollection.

Q. Do you remember a man that attempted to injure himself by cutting his wrist, etc., and who was confined in one of the solitaries; a colored man? A. What is the name?

Q. A man named Johnson, not a colored man, was your attention called to such a case? A. Yes, sir.

Q. Did you visit him while he was in the cell? A. Yes, sir.

Q. Did you see how he was chained? A. Yes, sir.

Q. Describe the manner? A. As I recollect it now he was chained by the wrist.

Q. One wrist? A. Yes, sir.

Q. Was he chained in any other way? A. No, sir.

Q. Are you positive he wasn't chained with both hands when you were there, that is, shackles put upon both wrists and then passed through the stationary ring and that his feet were not also at the same time shackled and fastened to the door? A. I don't recall any such occurrence.

Q. That perhaps was done before or after you saw him; you didn't see any such case as that? A. No, sir.

Q. You think you did see this man Johnson while in the cell? A. Yes, sir.

Q. When you saw him he had shackles on one wrist? A. He had a cuff on one wrist.

Q. Do you know whether that was before or after he had attemped to take his life? A. That was after.

Q. Do you know how long it was before you saw him that he had made the attempt upon himself? A. The following day.

Q. You saw him the following day? A. Yes, sir.

Q. Was he then apparently calm, quiet? A. Yes, sir.

Q. Not attempting to injure himself or anybody else and you saw him with just the one cuff? A. Only the one.

Q. Were you then informed he had been shackled by both his wrists and his feet? A. Yes, sir.

Q. The shackles had been taken off before you saw him? A. Yes, sir.

Q. About what time in the day did you see him? A. I should judge between 10 and 11.

Q. Did you dress the wounds that this man had? A. The steward had dressed them.

Q. Did he dress them in your presence? A. No, sir.

Q. Did you see them at all? A. Yes, sir.

Q. On the day that you refer? A. Yes, sir.

Q. Can you describe them? A. I think it was, as I recall it now, it was a transverse superficial one across the wrist.

Q. Severe wound? A. No, sir.

Q. Notice any other wound or injury? A. No, sir.

Q. Did you take off the bandages to examine the wound? A. Yes, sir.

Q. And then place them back? A. Yes, sir.

Q. Did you see the man again? A. Yes, sir.

Q. While in the cell? A. Yes, sir.

Q. When was that? A. I saw him, I think, the following day.

Q. The second day after? A. Yes, sir.

Q. Still chained? A. Yes, sir.

Q. Did you examine his wounds that day? A. I didn't remove the dressings; no, sir.

Q. When did you see him again? A. That I do not know.

Q. Do you remember seeing him again in the cell? A. No, sir.

Q. You don't know how long he remained there? A. I couldn't say.

Q. If you visited the cells every day why do you not recollect whether you saw him or not the third day? A. I can't recall the details of all the cases where I see in the course of the year twenty-eight to twenty-nine thousand cases, it is impossible to individualize them all.

Q. There are so many cases in connection with which your professional attention is required it is almost impossible for you to recollect the particulars relating to each case? A. That is where you see that number of men unless there is something unusual in the case it is impossible.

Q. Unless you have some memorandum or data to refresh your memory these various cases pass out of your mind? A. Yes, sir.

Q. You can't recall the particulars with any degree of certainty? A. Can't recall all the particulars.

Q. Do you know whether this man was ever taken to the hospital or not? A. I do not know.

Q. I take it with reference to the various cases in reference to which you have been giving evidence, you have been very materially aided by memoranda which you have, either that you have made yourself, or memoranda taken from the hospital records? A. I have been aided; yes, sir.

Q. Except for that aid in reference to those matters your recollection would have been quite an imperfect one? A. Not necessarily so.

Q. I am asking for the fact; wouldn't your recollection with reference to those particular cases have been quite imperfect or

defective? A. My recollection of those cases would have been as perfect as in those that I have refreshed my memory upon.

Q. To make it plainer, isn't it true that the evidence which you have been giving with reference to those particular cases is based or was based mainly upon the memoranda which you gathered from the hospital records? A. Some of it was; yes, sir.

Q. Wasn't it mainly? A. Mainly would apply to nearly all.

Q. Yes? A. No, sir; not all by any means.

Q. Isn't it true, as you stated a moment ago, that it is almost an impossibility for a physician attending upon some fourteen or fifteen hundred inmates to recollect definitely or clearly all that occurred between the inmates and himself? A. It is in regard to dates and details.

Q. Take for instance the inmate Ackerman, independent of the memoranda which you have; what particulars can you state in relation to that case? A. State where he worked.

Q. Where did he work? A. He worked in the broom-shop.

Q. What other particular? A. I recall the man.

Q. What was his appearance? A. At the time he was there he was a light complexion, smooth-face boy with a falsetto voice.

Q. What do you say in reference to his teeth? A. He had poor teeth.

Q. You recollect that distinctly? A. Yes, sir.

Q. Wasn't he the one that had his teeth drawn and false teeth made? A. Yes, sir.

Q. Does your hospital record show that? A. No, sir.

Q. Or the reformatory record? A. I remember that instance on account of the trouble we had in adjusting the plate to fit his mouth, and I remember of times I referred him to the dentist.

Q. You don't remember anything about his being punished at any time? A. I have no personal knowledge of his being punished.

Q. You understood it was no part of your duty to inquire of the inmates as to how or in what manner they were treated by the officers? A. No, sir.

Q. You never did make that your business? A. No, sir.

Q. Didn't you understand it was contrary to the rules of the reformatory for you or anyone else to talk with the inmates, except upon the matters relating to the duties which you were required to perform? A. I know it was a rule the officers were not to converse with inmates except upon matters relating to their daily life there.

Q. Didn't you understand also, according to the rules and regulations of the reformatory you were regarded as one of the officers? A. I never regarded that rule as applying to me,

because, in order to gain a proper comprehension of certain troubles, ailments, it was necessary to go back into the past life of the man.

Q. It was necessary for you, as a physician, to converse with an inmate with reference to his health and with reference to his condition or the necessity for his calling upon you for medical assistance, but didn't you understand it was proper for you, or it was improper for you, to talk with the inmate or prisoner with reference to anything outside of that? A. I never thought it fell within my province to carry on a general conversation with a prisoner.

Q. As you understood it, didn't the inmates understand or know that they hadn't a right to talk with officers or others with reference to matters generally? A. I don't know how well they understood that rule.

Q. I am requested to ask you if you can state any details or particulars relating to each visit that you made to inmates confined in the solitaries at the request of the superintendent? A. I can not answer.

Q. Can you give the full details with reference to any particular case? A. There is the case I have related of Bennett or Dement.

Q. I don't understand in Bennett's case, you were requested by the superintendent to visit him? A. Yes, sir; that is what I understood your question.

Q. As I understood it, Bennett hadn't been to the bath-room; he undertook to take his life? A. No; he did not; Bennett had been in the bath-room.

Q. Can you remember the details with reference to your visit in Bennett's case? A. Yes, sir; I remember I went up one afternoon immediately after lunch and examined the man, found his head had not been injured by his fall.

Q. Where were you at the time you were requested to visit the man? A. I was at my office in Elmira.

Q. You received word from the superintendent to attend to this man? A. Yes, sir.

Q. You went immediately to the reformatory for that purpose? A. Yes, sir.

Q. And found him in the cell? A. Yes, sir.

Q. What mark or bruise, if any, did you find upon his head? A. I found none.

Q. Did you examine fully his condition when you saw him? A. Yes, sir.

Q. I am also requested to ask you to explain why it was, if these inmates that were confined in the solitaries had nothing

but black eyes or bruises making the flesh black and blue, why was it necessary for you to attend them professionally? A. To see if that condition required the application of either measures or remedies.

Q. I understand you to say that there are only two of those cases where they had black and blue eyes? A. Yes, sir.

Q. Why were you required to attend the other three to twelve? A. I have stated one or two cases; I said probably I had seen five or six of those cases of black eyes.

Q. That wasn't what I asked you; I asked you if you could state how many cases you had been requested by Mr. Brockway to visit the inmates confined in the solitaries and feel of their pulse and so on and I understood you to say five to twelve? A. I didn't understand your previous question.

Q. You don't recollect what that question was or what your answer was? A. You asked me if I had visited at his request the solitary.

Q. My question was this; if you had at any time visited inmates confined in the solitaries at Mr. Brockway's request and you said you had and you stated without my asking you anything in reference to that of your own accord that upon certain occasions you had been requested by Mr. Brockway to visit inmates confined in the solitaries, and afterwards I asked you in about how many cases you had been requested by Mr. Brockway to make such visit and your reply was perhaps five or from five to twelve? A. Yes, sir.

Q. I asked you afterwards in how many of those cases did you find bruises indicating they had been severely punished and I understood you to say in answer to that there were two or three cases where the inmate had black and blue eyes and that you saw no other indications of severe punishment; am I not right? A. Yes, sir.

Q. Now I ask you if you can give any reason why you were called to visit those above two or three that had a black and blue eye, why were you requested by Mr. Brockway to visit those cases? A. I don't recall what the reason was at the time.

Q. Are you able to say positively that in those other cases there was nothing indicating they had been severely punished? A. According to the best of my recollection; yes, sir; there was nothing.

Q. Mr Brockway had informed you at the time he made this request that in these cases the inmates had resisted, refused to submit to the punishment, and force had been used to compel them to submit? A. Something like that.

Q. And that you were requested to visit them to see if they had been injured by the force used? A. Yes, sir.

Q. Do you mean to be understood now as saying that there was from five to twelve inmates that you saw that had discolored eyes? A. No, sir.

By Mr. Litchfield:

Q. There was no regulations requiring you to visit these patients immediately after punishment to see what injury, if any, had been inflicted upon them by the punishment? A. No, sir.

Q. Was there any rule or regulation requiring you to examine them immediately before punishment to see if they were fit subjects or not for punishment? A. No, sir.

Q. As a matter of fact did you so examine them before punishment, as a rule? A. No, sir.

Q. Was there any rule or regulation requiring you to be present during the punishment? A. No, sir.

Q. As a matter of fact were you, as a rule, present during punishment? A. No, sir.

Q. Were you ever present during such punishment? A. No, sir.

By Judge Gilbert:

Q. In connection with your professional services rendered to the reformatory I presume you have dressed the wounds of a great many inmates? A. Yes, sir.

Q. Do you know positively in every instance that the wounds you dressed were not received in the bath-room? A. Never was informed a wound was received in the bath-room.

Q. Are you willing to say you know positively they were not received there? A. I didn't see them received there.

Q. I understood you to say this morning positievly that they were not received in the bath-room? A. I can't state: I was never informed they were received in the bath-room; my inference would be they were not received there; I had no personal knowledge.

Q. You have no personal knowledge where they were received? A. No, sir.

Q. Do you mean to say you never in any instance was informed an inmate received wounds in the bath-room? A. I never was informed a man was injured in the bath-room.

Q. Do you remember a young lad that was injured in the bath-room by a blow from the handle of the paddle and you dressing his wound, put plasters upon it? A. What was his name?

Q. Do you recollect a case of that kind? A. No, sir.

By Mr. Litchfield:

Q. I have forgotten what you testified as to what your regular hours were, what time you are expected to be in your office at the reformatory? A. I leave when the work for the day is done.

Q. What time are you usually expected to be present? A. I usually reach there in the summer time, it is frequently 8 o'clock; in the winter half-past 8.

Q. What time usually were your labors through? A. Twelve, 1, 2;

Q. You testified to all that this morning? A. Yes, sir.

By Judge Gilbert:

Q. Do you recollect the inmate McGlynn? A. Yes, sir.

Q. Did you see him just before he was removed from the reformatory? A. He was removed from the hospital.

Q. Did you examine him particularly? A. I saw him the day before that day.

Q. Did you examine his back? A. I don't know as I examined his back that day.

Q. Did you examine his back at any time after he had been punished in the bath-room? A. I didn't know he had been punished.

Q. Never made any examination to see whether there were bruises upon him or not? A. I examined his back, but not in reference to marks of punishment; I examined his back in order to ascertain the condition of his lungs.

Q. Did you examine his buttocks? A. No, sir; I don't extend to the buttocks.

Q. You only examined this man between his shoulders to see whether his lungs were diseased? A. I examined his back below the shoulders.

Q. How low? A. Down to the small of the back.

Q. You done that a day or two before he left the hospital? A. I couldn't say I examined him a day or two before he left the hospital.

Q. Can you say you examined him within a week before? A. No; I could not.

Q. Can you say you examined him within a few days after he was taken to the hospital? A. Yes, sir.

Q. You say you never saw any marks or bruises upon his back or buttocks, indicating he had been severely punished? A. Yes, sir.

Q. You said with reference to the inmate Walley that he had no scars upon his person; did you examine him particularly a short time before his death? A. I didn't state he had no scars upon his person.

Q. What do you say now in reference to it, that he had or had not? A. I was asked if he had the scars or marks of punishment upon his person; there might be other scars.

Q. Do you swear positively that there were no marks or scars upon him, caused by punishment which he had received? A. None that I noted; no, sir.

Q. Will you say positively there were none? A. He had no marks upon him such as you have described.

Q. I haven't described any? A. The marks of punishment.

Q. No marks upon him that had been made or caused by punishment? A. No.

Q. Did he have any marks upon him that you recollect? A. I don't recall any.

Q. Do you remember distinctly making an examination? A. Yes, sir.

Q. Who was present? A. Hospital steward.

Q. Why did you make the examination? A. In order to make a diagnosis of the case.

By Mr. Litchfield:

Q. Do you know whether any man who had hernia was paddled? A. I have no personal knowledge of any punishments.

Q. If you had known that a man who had hernia was to paddled would you have recommended against it, or what would you have done? A. It wouldn't influence the hernia.

Q. You would have taken no action in the matter? A. No, sir.

By Judge Gilbert:

Q. I am requested to ask you what you have to say or what your opinion is with reference to the skin, the flesh of some persons being more susceptible or more easily injured to that extent that the flesh would be discolored or become black and blue from a bruise from what others would? A. There is a difference in individuals in that respect; a pinch or violence upon one person that will produce no discoloration of the skin whatever will upon another person make a discoloration, ecchymosis.

Q. Do you know any reason why a blow inflicted upon an inmate of the reformatory would cause the flesh or skin to turn black and blue that would not cause the same appearance if given to one who was not an inmate? A. Do you mean a blow with the same force?

Q. Of course? A. I don't know of any reason.

Q. In your opinion would the blow that would create a black and blue spot upon the face of an inmate produce the same

appearance upon that person if he was not an inmate? A. There is only one answer to be given to that.

Q. What is it? A. The same blow would produce the same effect whether given on the inside or outside.

Q. I didn't know but what there was something in the manner in which the inmates were treated and cared for which caused their flesh and their skin to be more susceptible to these injuries than persons who were not confined? (No answer.)

Q. Have you ever had any experience in striking blows across the face so as to cause their noses to bleed? A. No; I am not a pugilist.

Q. Isn't it true that a slight blow may cause the nose of one person to bleed when the same blow would not cause the nose of another to bleed? A. Yes, sir; that is true.

Q. Do you think a slight blow across the face would cause the blood to flow in such quantities that it would spatter over the wall in front of a man a foot or eighteen inches away? A. No, sir.

Q. A blow that would cause the blood to flow in that manner would be quite a severe blow? A. Yes, sir.

By Mr. Litchfield:

Q. Can you describe the cause of a black and blue mark? A. The effect of the blow is upon the capillaries, the minute blood vessels, by which there is an extravasation of blood into the tissues.

Q. The capillaries are ruptured? A. Yes, sir; you see very frequently in fractures, sprains, dislocations where four or five days afterwards the discoloration will manifest itself that is not apparent at the time of the receipt of the injury.

Q. To produce such an effect must not the blow be one of some violence to rupture those capillaries? A. It depends a good deal upon the idiosyncrasies of the individuals; some people the slightest pinch or any violence will produce discoloration; in others it requires a great degree of violence; that is largely an individual matter, a matter of peculiarity.

Q. If you should see a number of black and blue marks on a number of individuals would it not be fair to assume that the violence used, causing those mark, must on the average be considerable? A. It don't follow the violence was the same upon all.

Q. The average violence must have been considerable to cause a series of black and blue marks? A. That don't necessarily follow; it may be the form in which it is applied, the application.

Q. Take your own illustration in regard to a pinch, isn't that a violent compression of the tissues? A. Yes, sir.

Q. Isn't there more or less violence connected with it? A. Yes, sir.

By Judge Gilbert:

Q. I am requested to call your attention again to the case of Mahoney who died in his cell; the last time you saw him and when he claimed that he was sick and you ordered him out to work, didn't you claim to him that he was feigning, pretending to be ill? A. Yes, sir.

Q. And report him as malingering? A. Yes, sir.

Q. Upon that he received what is called a first class report for malingering? A. Yes, sir.

Q. Did you make that report upon three different occasions? A. I don't know how many occasions.

Q. Two or more? A. Yes, sir.

Q. What do you say from what you have learned of the case afterwards, what do you say as to whether your report was correct or true? A. The man may have a lesion of the heart that exists to so slight a degree as not to be manifest and not to be perceptible to the ordinary means of examination.

Q. That isn't what I am asking; I want you to say whether you believe you were or were not mistaken? A. Two reputable physicians reported lesion of the heart; my examination failed to reveal it; I don't want to discredit two gentlemen that have given their testimony in his instance.

Q. What do you say with reference to the case; do you say you were mistaken or not?

Mr. Stanchfield.—I don't think the question is a fair one; I don't see why the doctor should be called upon to say his opinion was right, and the opinion of Reilly and Ross was wrong.

Judge Gilbert.—The questions are not asked to reflect upon Mr. Brockway, but it may be important for the purpose of determining whether or no it isn't for the best interests of the institution that a salary should be paid to a physician sufficient to enable him to give his entire time to the institution.

Mr. Babcock.—I think the question appertains to the skill or want of skill of Dr. Wey. It is not a question of finance.

Judge Gilbert.—It is a question I am requested to ask, and I am not at liberty to withdraw it.

Dr. Stoddard.—May the committee submit a question?

Judge Gilbert.—I will withdraw it then.

By Mr. Litchfield:

Q. We will ask you this question, whether you now think if you had made a more thorough examination or if you had the

time to make a more thorough examination than you did, whether you now think you would have discovered the difficulty to be such as those doctors testified it was? A. From what the physicians have told me since I should state that it would have been impossible, because my examination was sufficient and thorough; there was simply a roughening of the edge of the valve; I think Dr. Stoddard will bear me out in the fact that in many cases of incipient or the beginning of cardiac diseases it is impossible to discover it.

By Dr. Stoddard:

Q. The man had been at times under your observation for brief periods, perhaps unimportant sicknesses as I remember the case, and during those there was nothing in any of his symptoms that led you to suspect anything of the kind, anything of his antecedent difficulties? A. No, sir; the occasions upon which he consulted me were in regard to alleged headache, but as a matter of routine, as a matter of part of my duty in those cases, I examined the chest, the respiratory, circulatory organs, and I examined this man a number of times but failed to find any evidence of cardiad disease.

Q. Was he ever under your care for any respiratory embarrassment? A. No, sir; I was out of town when the autopsy was made; it was described to me that there was simply a roughening of the edge of the valves, and that there were some adhesions between the ventral and pulmonary pleura.

Q. Did the autopsy show any dilitations? A. No, sir.

Q. No evidence that would point to the lesion having been one of comparatively long standing? A. No, sir; nothing at all.

Q. Was the man ever subject to rheumatism under your care? A. No, sir.

By Judge Gilbert:

Q. You remember the inmate Cleere, and you say he had an abscess? A. Yes, sir.

Q. Above the groin? A. Yes; what is called the iliac region.

Q. Do you state positively that abscess could not have been formed by a blow from the strap? A. As the question was put to me whether a blow inflicted on the buttock would cause that.

Q. Could it not have been caused by a blow from the strap, if the strap had struck that part of the person? A. In my opinion not.

Q. In your opinion could not have been caused by that? A. Yes, sir.

Q. Do you mean to say that blows and bruises never cause abscesses? A. Yes, sir.

Q. Never do? A. They do cause abscesses.

Q. If blows and bruises do sometimes cause abscesses, may not this abscess have been caused by a bruise or blow? A. I should say not; I say no; taking into consideration the anatomical conditions I should say the blow and bruise such as you describe would not produce the condition which prevailed in Cleere.

By Mr. Litchfield:

Q. Did I understand you to testify there is a rule and regulation requiring you to visit men in the solitaries, who are confined there over twenty-four hours? A. That is the custom.

Q. Was there a rule or regulation that required you to do it? A. It was an unwritten rule.

Q. Was it a rule or merely a custom? A. I should say it was a custom.

Q. Custom of the physician? A. Yes, sir; I never had any written instructions to that effect.

Q. Any oral instructions? A. No, sir.

Q. Merely your own custom? A. Yes, sir.

By Judge Gilbert:

Q. You stated that you remember the inmate Pearce, and that he was a feeble-minded person? A. I didn't say he was feeble-minded; I was only questioned in regard to his deafness.

Q. Isn't it true he was a feeble-minded fellow? A. I wouldn't call him feeble-minded.

Q. What term would you apply? A. He was a person of ordinary intelligence; as we understand the term "feeble-minded" it means one that is foolish.

Q. Weren't you present at Elmira when that fellow was brought upon the stand and testified? A. I heard no testimony there.

Q. Didn't you see him brought upon the stand for the purpose of testifying? A. No, sir.

Q. You weren't in there at that time? A. No, sir.

Q. Didn't observe his appearance? A. No, sir.

Q. Have you observed his appearance since? A. Yes, sir.

Q. What do you now say as to whether he has even ability enough to go upon the stand and tell a coherent story? A. I know he has enough ability to pass in school.

Q. Did you examine him in reference to his school duties? A. No, sir.

Q. Ever see him examined? A. No, sir.

Q. Don't know anything about it of your own knowledge? A. No.

Q. Don't you know that the reformatory records show that he was excused from school duties on account of his condition? A. I know that deficiencies on account of his deafness were allowed, and afterwards explanations were made in his case by which his examination was a written one, that he was furnished printed or written questions instead of receiving the questions orally.

Q. You have made some statement with reference to one inmate in particular for whom you prescribed a truss or recommended him to wear a truss? A. Yes, sir.

By Mr. Litchfield:

Q. In regard to the custom of visiting men in the solitaries, I think you said it was an unwritten custom, one of you own, and not a rule of the establishment; is that one the general superintendent directed you about or one you followed yourself? A. I have never had any directions.

Q. Do you know whether the superintendent was aware of your practice or custom of such visits? A. Not of my own knowledge; I presume that he was.

Q. Of your own knowledge you don't know? A. No, sir.

Judge Gilbert.— Allow me to say, Mr. Chairman, that early in the investigation a request was made of the reformatory authorities to give the prosecution copies of the resolutions of the board of managers relating to the methods of discipline which were adopted in the reformatory; that copy was furnished afterwards; it was suggested that it was proper for the committee, at least, to see the original minutes for the purpose of ascertaining if there was anything at all upon those minutes in the form of resolutions or otherwise which regulated the discipline or related in any way to the methods of discipline adopted in the reformatory, and, as I understood it, it was arranged while the board of managers would not allow the minutes to go out of their possession, yet they would bring with them here at the hearing the minutes so they might be examined by the committee, if they desired to do so, so the committee could see whether or not there was anything upon the records showing that the board of managers had by resolution or in any other way regulated the methods of discipline, or the discipline of the reformatory.

Mr. Stanchfield.— How could that be true when we didn't know we were to meet in Albany.

Judge Gilbert.— I meant at the meeting, wherever it was to be.

Mr. Litchfield.—Reference to the minutes of the committee will show exactly what we did request.

Judge Gilbert.—Therefore, at this stage it is not worth while to raise any question about it, but I think that was the way it was understood, and I think it would have been fully as favorable to the defense to have presented the minutes, because it may be there are matters indicating the action taken by the board of managers which may not be in the minutes.

Mr. Litchfield.—While the original minutes are in existence we naturally expected them to be before us, and then if we desired copies they could be obtained.

Mr. Stanchfield.—The board of managers act under the statute, the statute gives the power to inflict corporal punishment. Every time we whip a man we don't place on the minutes of the board of managers a resolution that he be whipped.

Judge Gilbert.—What they want to know is whether there is any resolution kept by the board of management directing or authorizing the superintendent or anyone else to adopt this method of discipline.

Mr. Stanchfield.—It isn't required; the law gives us the right to.

Judge Gilbert.—That is a matter of argument.

Mr. Babcock.—You examined Mr. Brockway on that subject, I think. He stated there wasn't a formal resolution prescribing that particular kind of discipline, and what Mr. White is after is to find out what is not in the record. If there was a rule of that character we would produce it.

Mr. Stanchfield.—Mr. Brockway was examined by Mr. Craig at length on that subject, and he stated there never was any formal resolution of the board of managers directing a specific mode of corporal punishment be followed. He goes in the minutest detail; upon that we rest. There is no affirmative resolution.

Mr. Litchfield.—Therefore you are unable to present before us any such rule or resolution because it wasn't passed.

Mr. Stanchfield.—Concededly so.

Mr. Litchfield.—Why not let the matter rest there? I understood it from the testimony no formal rule or resolution had been passed by the board, and they were therefore unable to furnish us with a copy.

Judge Gilbert.—Inasmuch as I was trying both sides of the case I wanted to see if I couldn't find something in the minutes that would be favorable to my right-hand client. There was another reason why I understand the minutes were desired, and that was for the purpose of showing what action, if any, was

taken by the board of managers with reference to the transfer of inmates from the reformatory to the State prisons.

Mr. Stanchfield.— Those I have here in detail in my hand.

Judge Gilbert.— Whether or not we are not entitled to the original minutes bearing upon that branch of the case. I am frank to say so far as all this matter is concerned it isn't bearing directly upon Mr. Brockway's part, it simply bears upon the question whether or not the law under which this institution is organized now and is now being carried on should be changed or modified, and probably you have observed during this investigation whenever that question was touched upon there might have been a little indication of spirit on my part. I regret it now.

Mr. Babcock.— That don't extend to an impeachment of the copies of the papers?

Judge Gilbert.— Oh, no.

Mr. Litchfield.— The committee understand, regarding the first inquiry of the committee that it is thoroughly covered in the testimony itself, everywhere there is relating to the rules and regulations; therefore, they have no copy to furnish us. In regard to the second point relating to the transfers, while the committee, of course, if they wish to see the original minutes, they have the power to see them.

Mr. Stanchfield.— Will the chairman allow me to answer Judge Gilbert from the records of this investigation?

Mr. Litchfield.— The next thing is you wish the papers relating to the transfers; you prefer to see the originals; is that the point?

Judge Gilbert.— Yes; see the original minutes relating to them.

Mr. Babcock.— Then do you intend to impeach the copies?

Judge Gilbert.— I haven't seen the copies.

Mr. Stanchfield.— I will read right from the record: "Judge Gilbert.— On the part of the prosecution they desire to have introduced all the record there was showing what resolutions or action was taken by the board of managers with reference to the transfer of prisoners from the reformatory to the State prison when you can conveniently furnish it.

"Mr. Hoppe.— Do you wish each time the transfer is made or do you wish a copy of the resolution?

"Judge Gilbert.— A copy of the resolution or the action which was taken, as far as the records show, of the board of managers in reference to the transfer of prisoners from the reformatory to the State prison."

Judge Gilbert.— Mr. Stanchfield is correct as far as he has gone, but afterwards and in behalf of the prosecution, at their request, and after the examination which we had at Auburn, I requested an opportunity to examine the original minutes mainly for two reasons; one was for the purpose of ascertaining if there was anything in those minutes showing action on the part of the board of managers directing the manner in which the inmates should be disciplined. The other was for the purpose of seeing if there was anything in those minutes showing by what authority the inmates were tranferred to Auburn and Dannemora prisons. It was after the request that they furnish copies that the second request was made, and whether it was because those doubted the correctness of the copies that might be furnished I don't know; I made the request on their behalf and I supposed that request would be complied with at the time we met. They objected, you remember, to allowing the original minutes to go out of their possession, and I thought that objection was a good one; I did think perhaps they would produce the original record and give the prosecution an opportunity to examine them.

Mr. Stanchfield.— If I say to you this was a statement made entirely after the Auburn examination will you be content?

Judge Gilbert.— It may be after that; I know this request grew out of what occurred at Auburn. The request that I made with reference to the production of the minutes was at our last meeting in Elmira.

Mr. Litchfield.— We will accept the copies, the committee reserving the right to examine the originals if they desire.

Oscar Hoppe, recalled, testified:

Examination continued by Judge Gilbert:

Q. I understand that you were one of the court-martial that investigated the charges of licentiousness against several inmates in January, 1893? A. I was.

Q. Will you state how or in what manner that court was organized? A. Two inmates had been found guilty or found in the act of sodomy and were taken to their cells and locked up; one of them, James Reilly, admitted a series of offences of sodomy, among them with one—

Q. Perhaps you don't understand my question; I am not asking you for a history of the charges or the cases I am asking you simply to state how the court was organized? A. That is what I am answering.

Q. Who composed the court? A. Colonel Bryan, Mr. Halpin, Mr. Van Etten and myself.

Q. Now you may state why it was organized? A. Reilly had accused a man named Valentine of this offense with him; Reilly admitted his guilt and Valentine at that time denied it; the case had been investigated by Officer Bryan but Mr. Brockway wanted the four of us should pass judgment on the case before he took any action in the matter and for that reason we organized to investigate that case, which afterwards led into other cases and made the investigation rather extensive.

Q. Who were the members of that court? A. Mr. Bryan, Mr. Van Etten, Mr. Halpin and myself.

By Mr. Litchfield:

Q. At that time was Halpin on parole? A. He was on parole; acting as lieutenant-colonel of the regiment.

By Judge Gilbert:

Q. Do you remember what number of witnesses or persons were called before that court to make statements? A. Perhaps over a hundred.

Q. Were they all inmate witnesses? A. They were inmates and a few former inmates; paroled men.

Q. All inmates or paroled men? A. They may have been a citizen officer here and there called as a witness but I don't recall it.

Q. Do you recollect a number that were found guilty by confession? A. Yes; forty-eight by confession.

Q. How many denied their guilt? A. Sixteen were found guilty, who had denied their guilt.

Q. How many of those that had denied their guilt were found not guilty? A. Not guilty, we called it not proven; there were six or eight.

Q. Have you anything to say with reference to the methods of inquiry that you adopted? A. I wish to make one statement to correct an impression that has been made by some witnesses, and that is this: That not any member of the court suggested to this witness the name of the person about whom we desired this witness to give testimony; in no case have we led on any witness by giving him the name of the party with whom he was accused but in all cases these names were furnished by the witnesses when they testified; we did not as some witnesses—Facey, I think—stated read over a list of names and ask him,

"Were you guilty of this offense with Smith" or "Jones," but we waited until he furnished us with the names voluntarily.

Q. What was the method of inquiry that you adopted? A. We called one man at a time as a rule and if we had evidence about him we would tell him about it, that we had evidence that you have been guilty of such conduct and wanted a statement from him and we told him what the consequences would be to him and to the other man and left it to him whether he would tell us about it or not and so we proceeded; occasionally when a man denied, continued to deny, and asked to be confronted we would call the man, bring him in and have him repeat the story in front of the accused, but that was done only in the case where there was a denial and it was necessary for that reason.

Q. Anything further? A. I guess that is all.

Q. Was there any minute kept of the evidence given? A. There was no stenographer; I myself took memoranda as we went on very briefly of the principal points; I had to ask nearly all the questions and take the minutes at the same time.

Q. Were these inmates or parties that appeared before you sworn? A. No, sir.

Q. Simply made their statement? A. Simply made their statement.

Q. As I understand you, you claim those statements were all voluntary? A. We sent for a man and told him what we wanted and then he made his statement; they didn't volunteer to come.

Q. In every instance? A. Yes, sir.

Q. Did you during the investigation have personal interviews with the superintendent? A. I did every day.

Q. Did the accused have personal interviews with the superintendent? A. Every one who was convicted.

Q. Every one who was convicted had an opportunity to have an interview with the superintendent? A. Before his case was decided.

Q. Were you present upon several occasions when the accuser and the accused appeared before the superintendent? A. Yes, sir.

Q. After the investigation closed then what did you do with the evidence? A. We had the points referring to each case type-written; we grouped them as I took the memoranda; they were, of course, the statements as the men made them; afterwards we grouped them according to the man accused and had them type-written and filed in an envelope with the man's papers, in his package where they are now.

Q. Anything further you desire to state in reference to the court-martial and its results? A. No.

Q. Was the evidence that you took submitted to the superintendent in each case? A. Yes, sir.

Q. I am requested to ask if each of the accused had personal interviews with the superintendent in reference to this matter: A. Each one; yes, sir.

Q. Do you remember the inmate, Facey? A. Yes, sir.

Q. What have you to say in reference to Facey's evidence? A. We had quite a number of charges against Facey and knew about so we were satisfied as to his guilt and called Facey and he wouldn't tell anything about it; he admitted partially; he didn't deny his guilt, but acted very insolent, stubborn; said he wouldn't testify, he wouldn't tell and I told him that we were sitting there and had been sitting there for several days already to find how much of that vice was being practiced in the reformatory; that we were instructed to try and get at the bottom of it and weed it out if we could and that we demanded in the interest of the institution that as far as he was concerned, as far he was implicated and knew of other men in the prison to have been guilty of that crime that he must tell us about it, and he was very insolent and I reported it to Mr. Brockway and took him to Mr. Brockway, brought him before him in the bath-room; Mr. Brockway spoke to him and told him about the same as I had told him, the purport of this investigation, the importance for the benefit of the institution to weed out this evil and that he should turn to the side of the government of the institution and aid us and not obstruct this investigation as he was endeavoring to do; he promised he would and with that admonition we went back to the room in which this inquiry was held and there, while at first he seemed willing, he assumed the same course; he again refused to give any testimony or answer any questions and did not deny his guilt; I notified Mr. Brockway again, and he was taken to the bath-room; that time I did not go along; he returned within about five minutes and then stated everything that he did state during the investigation without any further questions from us, giving us a list of offenses that he had been guilty of as far as he recollected and stated, without any drawing out on our part, giving us the names of the persons whom he said had been guilty of this conduct with him, which names, nearly all, agreed with the other testimony we had taken before that case; that is the history of the Facey case.

Q. Do you know how many days the court had been in session before Facey finally gave his statement? A. I don't know the number of days; I judge it is three or four; I know we had quite a number of men in by that time.

Q. Do you recollect whether the evidence was substantially closed when Facey gave his statement? A. It wasn't closed; it was as far as some cases was concerned, but one case brought on others.

Q. Anything further you desire to state in reference to Facey? A. No, sir; except I ought to state so much has been said about it as to his general appearance when he came back and gave his testimony.

Q. What have you to say in reference to that? A. He did not bear any signs of having been severely punished, but he was perfectly — he had no marks and he was perfectly composed, and sat down at the small table opposite me and sat there for about an hour, perhaps an hour and a half making his statement; then we sent him to an ordinary room where he remained afterwards.

Q. Is that all? A. That is all.

Q. Do you remember an inmate, John Maloney, consecutive number 3438? A. No; I do not know the man; all I wish to state is what is there referring to the record; I shall state simply, as stated at the first session of this investigation, I had dictated to our stenographer, and some of them were not dictated, an abstract of records for the use of our counsel of all men whose names had been mentioned in the original allegations as they were furnished here; one of these abstracts was referred to by the prosecution as the last session in Elmira, as the one referring to the case of John Maloney, where it stated on the abstract one instance he died in hospital at the other instance, simply that he died; while below that it is stated he had been in the cell the day before; the point made by the prosecution was the records were incorrect; that this man did not die in the hospital but died in his cell; since that matter was brought up I looked, re-examined the records of the reformatory from which this is made up, and find there is no entry showing he died in the hospital; the books of the reformatory show he died in his cell.

Q. And that it was a clerical error? A. A clerical error in making that copy.

Q. You don't know how that occurred? A. I don't know the man who made that abstract.

Q. Do you remember the inmate consecutive number 2882, named Bramst? A. Yes, sir.

Q. What do you recollect with reference to an alleged injury which he claims to have received? A. I know that he stated in New York he showed a scar on his forehead which he claimed there was received in the bath-room; I remember one day Brams came from the wood working shop in which he had been working, with his handkerchief up to his forehead toward the hall to see the physician, and I met him in the yard and asked him what the trouble was, and he stated he had received an injury from a piece of wood flying from a saw, and that it struck his forehead.

Q. Do you remember what this man claimed in his testimony? A. He said it was produced in the bath-room by Mr. Brockway.

Q. Do you remember whether he had more than one scar on his forehead? A. I do not remember; I simply remember that injury.

Q. Do you remember inmate James J. McCabe, consecutive number 2898? A. Yes, sir.

Q. Did the superintendent at any time on the guard-room floor or any other place strike this man McCabe in your presence? A. He did not.

Q. Either with his fist or anything else? A. He did not.

Q. You are familiar with the manner or system which was adopted at the reformatory with reference to the transfer of inmates from the reformatory to State prisons? A. I am.

Q. Will you describe the method of procedure? A. The first thing done is application made to the superintendent of state prisons for permission to transfer a given number of prisoners to the State prison; after that is received a resolution is passed by the board of managers directing the superintendent to transfer a certain number of men, the names being given, to the State prison; when the transfer is made the permit from the superintendent of State prison, a certified copy of this resolution of the board of managers, the warrant of commitment of each prisoner transferred, properly marked with the maximum sentence for which he has been sentenced, and a brief extract from the conduct record of the man in the reformatory is sent along to the warden of the prison together also with any private property or money which may have been kept for him at the reformatory.

Q. What do you know, if anything, in reference to there being a standing resolution adopted by the board of managers in relation to the money you refer to? A. No; I referred to money the prisoners might have in their possession when they came to the reformatory.

Q. How in reference to money they have earned while they have been in the reformatory or while on parole? A. I don't know what you refer to; we were talking about transfers to State prison.

Q. Here is A, a paroled inmate officer, and has been receiving monthly wages? A. No; he receives certain credits upon the books of the reformatory, which are only to be his after he fulfills the requirements which the government or the managers have placed upon him; under a resolution, I don't remember the phraseology of it, a violation of his parole forfeits any such credit that is standing to the man on the books of the reformatory; fifty dollars may have been credited to A, but a violation of his parole will reverse that credit and cancel it.

Q. What have you to say with reference to the authority which the board of managers exercise in relation to the transfer of inmates from the prison to the reformatory again; isn't there accompanying the documents submitted to the prison authorities a copy of the resolutions which authorizes the prison authorities to transfer again to the reformatory an inmate that has been transferred to the prison? A. There is a resolution of the board of managers to this effect, that, at any time, provided the inmate has more than six months yet to serve, this prisoner may be returned from the State prison to which he has been temporrarily transferred, to the reformatory, if the warden of that prison will certify that, in his judgment, the man has made some improvement; something to that effect, and a copy of this resolution is handed to each prisoner as he leaves the reformatory on his transfer, and is also forwarded to the warden of the State prison.

Q. Have you prepared or had prepared a scientific analysis of the food prepared and used or supplied to the inmates in the reformatory? A. I have.

Q. Was that requested? A. No, sir; you mean by the prosecution?

Q. By the prosecution or by the committee? A. No, sir; it was not.

Q. This is one prepared by yourself? A. By ourselves.

Q. For the purpose of introducing it in proof? A. Yes, sir; to avoid any unnecessary testimony.

Q. (Presenting same.) Is that the analysis which you have so prepared? A. This is the analysis; a great deal has been said about the food, and we thought this would be the quickest way to contradict it; I wish to say that this statement is based upon Professor Atwater's table of food values, according to which it is distinctly stated how much carbo-hydrates each kind of food contains; we have taken a

week's rations, the exact quantities as they are measured out to man, and analyzed those to show the amount of nutrition per capita furnished, and it shows, for instance here, that the actual average of protein furnished in the upper first grade ration is 167; against that I place Voit's standard for the laboring man at 118.

Q. You have prepared that statement and desire to introduce it in proof? A. Yes, sir.

The following is a copy of the same:

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# New York State Reformatory — Inmate Dietary.

| | Standard Daily Dietary. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Weekly total. | Prof. Atwater's Table of Food Values. | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Sunday. | | | Monday. | | | Tuesday. | | | Wednesday. | | | Thursday. | | | Friday. | | | Saturday. | | | | | | | | | | | | | Refuse: bones, skin, etc. | Nutrients. | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Water. | Protein. | | Fats. | | Carbo-hydrates. | | Mineral matter. |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Per et. | Per et. | Ozs. | Per et. | Ozs. | Per et. | Ozs. | Per et. |
| Canned corned beef | 1 6-10 | | | | | | 1 6-10 | | | | | | 1 6-10 | | | 1 6-10 | | | | | | | | | | | | | 6,40 | .... | ..... | 30.0 | 1.920 | 8.0 | .512 | .... | ..... | .... |
| Beef | ..... | | | | 12 | | ..... | 6 | | | | | ..... | | | ..... | 6 | | | 8 | | | | | | | | | | 32. | 19.7 | 44.0 | 13.8 | 4.416 | 21.7 | 7.944 | .... | ..... | 0.8 |
| Mutton | ..... | | | | | | ..... | | | | 8 | | ..... | | | ..... | | | | | | | | | | | | | | 8. | 20.0 | 42.9 | 37.1 | 2.968 | 23.2 | 1.856 | .... | ..... | 0.7 |
| Pork (fat) | ..... | | | | | | ..... | | | | | | ..... | 1 | | ..... | | | | | | | | | | | | | | 1. | 10.4 | 9.5 | 2.8 | .028 | 76.5 | .765 | .... | ..... | 0.8 |
| Kopp pea soup | ..... | 2 | | | | | ..... | | | | | | ..... | | | ..... | | | | | | | | | | | | | | 2. | ..... | ..... | 21.0 | .420 | 17.0 | .340 | 46.0 | .920 | .... |
| Bread | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | | | | | | | | | | 168. | ..... | 32.7 | 8.9 | 14.952 | 1.9 | 3.192 | 55.5 | 93.240 | 1.0 |
| Potatoes | 6 | | | | 12 | | 6 | 4 | | 6 | 4 | | 6 | | | 6 | | | 6 | 4 | | | | | | | | | | 60. | 10.0 | 68.0 | 1.8 | 1.080 | 0.2 | .120 | 19.1 | 11.460 | 0.9 |
| Onions | ..... | | | | | | ..... | ½ | | ½ | ½ | | ..... | | | ..... | | | ½ | ½ | | | | | | | | | | 2.50 | | | | | | | | | |
| Turnips | ..... | | | | | | ..... | 1 | | | 2 | | ..... | | | ..... | | | | 2 | | | | | | | | | | 5. | | | | | | | | | |
| Carrots | ..... | | | | | | ..... | 1 | | | 1½ | | ..... | | | ..... | | | | 1½ | | | | | | | | | | 4. | 10.0 | 81.0 | 2.0 | .390 | 0.2 | .039 | 6.0 | 1.170 | 0.8 |
| Parsnips | ..... | | | | | | ..... | 1 | | | 1½ | | ..... | | | ..... | | | | 1½ | | | | | | | | | | 4. | | | | | | | | | |
| Beets | ..... | | | | | | ..... | ½ | | | ½ | | ..... | | | ..... | | | | ½ | | | | | | | | | | 1.50 | | | | | | | | | |
| Tomatoes | ..... | | | | | | ..... | | | | | | ..... | | | ..... | 2½ | | | | | | | | | | | | | 2.50 | | | | | | | | | |
| Flour | ..... | | | | ½ | | ..... | | | | 1½ | | ..... | | | .... | 1½ | | | 1½ | | | | | | | | | | 5. | ..... | 11.6 | 11.1 | .555 | 1.1 | .055 | 75.6 | 3.780 | 0.6 |
| Oatmeal | ..... | | | | | | ..... | ¼ | | | | | ..... | | | ..... | | | | | | | | | | | | | | 0.25 | ..... | 7.7 | 15.1 | .038 | 7.1 | .018 | 68.1 | .170 | 2.0 |
| Beans | ..... | | | 4 | | | ..... | ½ | | | | | ..... | 6 | | ..... | | | | | | | | | | | | | | 10.50 | ..... | 13.7 | 23.2 | 2.436 | 2.1 | .220 | 57.4 | 6.027 | 3.6 |
| Barley | ..... | | | | | | ..... | ¼ | | | | | ..... | | | ..... | | | | | | | | | | | | | | 0.25 | ..... | 18.0 | 10.5 | .026 | 2.5 | .006 | 67.0 | .167 | 2.0 |
| Rice | ..... | | | | | | ..... | ¾ | | | | | ..... | | | ..... | 1 | | | | | | | | | | | | | 1.75 | ..... | 12.4 | 7.4 | .129 | 0.4 | .007 | 79.4 | 1.389 | 0.4 |
| Molasses | ..... | | | | | | ..... | | | | | | ..... | | | ..... | | | | | | | | | | | | | | 30. | ..... | ..... | .... | ..... | .... | ..... | 63.0 | 18.900 | .... |
| Totals, one week | ..... | | | | | | ..... | | | | | | ..... | | | ..... | | | | | | | | | | | | | | 344.65 | ..... | ..... | .... | 29.358 | .... | 15.074 | .... | 137.223 | .... |
| Totals, one day | ..... | | | | | | ..... | | | | | | ..... | | | ..... | | | | | | | | | | | | | | 49.23 | ..... | ..... | .... | 4.194 | .... | 2.153 | .... | 19.603 | .... |
| *Standard Daily Ration, grams.* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 118.900 | .... | 61.038 | .... | 555.745 | .... |
| Bread (actual average consumption per man per week in excess of standard ration) | ..... | | | | | | ..... | | | | | | ..... | | | ..... | | | | | | | | | | | | | | 98. | ..... | ..... | .... | 8.722 | .... | 1.862 | .... | 54.390 | .... |
| Totals, one week | ..... | | | | | | ..... | | | | | | ..... | | | ..... | | | | | | | | | | | | | | 442.65 | ..... | ..... | .... | 38.080 | .... | 16.936 | .... | 191.618 | .... |
| Totals, one day | ..... | | | | | | ..... | | | | | | ..... | | | ..... | | | | | | | | | | | | | | 63.24 | ..... | ..... | .... | 5.440 | .... | 2.419 | .... | 27.373 | .... |
| *Actual Second Grade Daily Ration, grams.* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 154.224 | .... | 68.579 | .... | 780.130 | .... |

1842

| | | |

By Mr. Litchfield:

Q. Is any coffee furnished the inmates? A. Yes, sir; the upper two grades.

Q. Do you know anything about the coffee? A. It is a substitute for coffee; it is not the coffee bean; it is an article which has been carfully analyzed; we have had it analyzed some time ago, and find it contains nothing injurious and the men like it; they all drink it.

Q. There is no allegation made against the nature of the food furnished? A. No; only as to quantity, and this statement will show that even our third grade ration contains more nutrients than the standard prescribed for a laboring man who does a full day's work.

Q. I think complaints were made by the inmates about the hash furnished as not being boarding-house hash of prime quality; does your statement cover those facts? A. Yes, sir; it covers exactly what enters into the hash, the food consumed per day.

By Judge Gilbert:

Q. This statement in reference to the food is gathered from statistics? A. It is gathered from records.

Q. Relating to that subject? A. Yes, sir.

Q. It is not made up from any actual experiment or anything of that kind that has been conducted or carried on in connection with the reformatory? A. The actual quantity as they are consumed per inmate per day; the comparisons which I make are the statistics furnished by standard authorities.

Q. (Presenting same) Examine those documents and what are those? A. This is a comparative statement of death and insanity for the three years, 1890, 1891 and 1892, showing the average death rate and rate of insanity in Sing Sing, Auburn, Clinton and Elmira.

Q. Furnished at the request of the committee? A. It was mentioned by Mr. Craig.

The following is a copy of the same:

Comparative statement of deaths and insanity:

1890.

| | Sing Sing. | Auburn. | Clinton. | Elmira |
|---|---|---|---|---|
| Whole number in prison during year | 2,201 | 1,581 | 1,098 | 1,539 |
| Daily average | 1,513 | 1,218 | * | 1,07( |
| Total number of deaths | 35 | 29 | 19 | 9 |
| Total number transfers to insane asylum | 17 | 19 | 14 | 1 |

* Daily average not given.

1890.

| | Sing Sing. | Auburn | Clinton. | Elmira. |
|---|---|---|---|---|
| Average death rate on whole number | 1.59 | 1.83 | 1.72 | 0.58 |
| Average death rate on daily average | 2.30 | 2.38 | * | 0.84 |
| Percentage of insane on whole number | 0.77 | 1.20 | 1.27 | 0.07 |
| Percentage of insane on daily average | 1.12 | 1.56 | * | 0.69 |

Comparative statement of deaths and insanity:

1891.

| | Sing Sing. | Auburn. | Clinton. | Elmira. |
|---|---|---|---|---|
| Whole number in prison during year | 2,509 | 1,715 | 1,051 | 1,815 |
| Daily average | 1,571 | 1,272 | * | 1,204 |
| Total number of deaths | 53 | 52 | 17 | 8 |
| Total number transfers to insane asylum | 21 | 26 | 12 | 2 |
| Average death rate on whole number | 2.11 | 3.03 | 1.61 | 0.44 |
| Average death rate on daily average | 3.37 | 4.09 | * | 0.66 |
| Percentage of insane on whole number | 0.83 | 1.51 | 1.14 | 0.11 |
| Percentage of insane on daily average | 1.33 | 2.04 | * | 0.16 |

Comparative statement of deaths and insanity:

1892.

| | Sing Sing. | Auburn. | Clinton. | Elmira. |
|---|---|---|---|---|
| Whole number in prison during year | 2,426 | 1,748 | 1,315 | 2,002 |
| Daily average | 1,595 | 1,349 | 813 | 1,397 |
| Total number of deaths | 41 | 61 | 14 | 16 |
| Total number transfers to insant asylum | 26 | 31 | 21 | 4 |
| Average death rate on whole number | 1.68 | 3.48 | 1.06 | 0.79 |
| Average death rate on daily average | 2.57 | 4.52 | 1.72 | 1.15 |
| Average death rate on whole number | 1.07 | 1.77 | 1.59 | 0.19 |
| Percentage of insane on daily average | 1.63 | 2.29 | 2.57 | 0.29 |

* Daily average not given.

Mr. Litchfield.—This statement covers what we did not ask; this covers State prison. The request was for men who had died and cases of insanity in the reformatory. I see this is a comparative statement. We will admit this statement for what we called for and not as to the rest.

The witness.—It had been stated that the death rate and rate of insanity at the reformatory had been excessive, and the defence in order to show that rate had not been excessive desires to put in that statement and show by comparing that rate with other institutions the rate is smaller if anything.

Q. How did you gather the statistics relating to the death rate of insanity in the prisons? A. From the report of the Superintendent of State Prisons; the annual report for the three years; the published report.

Q. Does not contain the number of men that died of men transferred? A. Simply the death rate and average rate of insanity at the different State prisons and at Elmira.

Q. That is what you have furnished? A. Yes; that is what I have furnished.

Mr. Litchfield.—We will adhere to the ruling a few minutes ago, we admit the paper only for the information requested; let the rest go in for what it is worth.

The witness.—I have here a statement of insanity at the reformatory since the opening of the institution; whole number of inmates 5,511, of those forty-eight were transferred to insane asylums, twenty of the forty-eight were returned as cured, three were retransferred to the insane asylum; the ratio of transfers to insane asylum was .87 per cent; the ratio of insanity after deducting those returned as cured .56 of one per cent; that is, to the total number of inmates received.

The following is a copy of the same:

Statement of insanity at reformatory:

| | |
|---|---|
| Whole number of indefinites at reformatory since opening of institution | 5,511 |
| Number of inmates transferred to I—A | 48 |
| Returned as cured | 20 |
| Retransferred to I—A | 3 |
| Discharged from I—A at expiration of maximum term, | 14 |
| Discharged and placed in care of friends | 10 |
| Died | 0.87 |
| Remaining September 30, 1892 | 6 |
| Ratio of transfers to asylum | 0.87 |
| Ratio of insanity after deducting those returned as cured | 0.56 |

In addition to the above indefinites three of 388 definites were transferred to I—A and one of 244 men returned from parole was transferred to asylum and returned as cured.

Statement of deaths and insanity for fiscal year ending September 30, 1893:

| | |
|---|---|
| Whole number at reformatory during year..... | 2,069 |
| Died ..... | 24 |
| Paroled from hospital, not expected to recover..... | 9 |
| Transferred to insane asylum ..... | 4 |
| Average death rate on whole number..... | 1.16 |
| Average death rate (including the nine men paroled from hospital) ..... | 1.59 |
| Rate of insanity ..... | 0.19 |

By Mr. Litchfield:

Q. In relation to that paper showing the comparative number of insane in the reformatory and in State prison I would like to ask you whether the average age in State prison is the same as that in the reformatory or whether the inmates in the State prison are older? A. The average age is slightly more, not very much, according to the report of the Superintendent of State Prison; I think he states that sixty-five or seventy per cent are below the age of 30, or below 25 even; I am not positive.

Q. What is the average age in the reformatory? A. Twenty or 20 1-2.

Q. Do you mean the age of the men is only a shade over that? A. I don't think the average age at State prison will be above 24 or 25.

Q. Assuming that they are older in the State prisons than they are in the reformatory wouldn't the death rate be greater in the State prisons than in the reformatory? A. It is not in fact greater.

Q. Would not the older men be more likely to become insane? A. I should rather think it would be the opposite; I am not an expert on that.

Q. Not being an expert you don't know? A. No.

By Judge Gilbert:

Q. What are those documents? A. These are the copies of the resolutions of the managers directing the transfers of Elmira prisoners to State prison, resolutions referring to all the transfers that have ever been made since the last six years.

Q. Do you say this is a correct copy of the minutes of the board relating to the transfers? A. It is.

Q. Did you make it yourself? A. I dictated it.

Q. You have been connected with the reformatory how long? A. Twelve years.

Q. Have had an opportunity to observe the inmates in the various departments in the reformatory? A. I have.

Q. Particularly in work-shops and factories? A. Yes, sir.

Q. Have observed the working of the monitor system? A. Yes, sir.

Q. And its efficiency, etc.? A. Yes, sir.

Q. Also observed the effect of the task system, as it is called, the method of establishing task? A. Yes, sir.

Q. Adjusting errors and complaints? A. Yes, sir.

Q. What is your view of the system known as the monitor system? A. I consider it very efficient; there are two sides, two advantages in the inmate monitor system, one is to the inmate and the other is to the government of the institution, and I consider it excellent and efficient for both; the shops are disciplined as well as any shop ever was before any monitor system was in vogue, and the advantage to the prisoner himself you can readily see.

Q. What have you to say in reference to task system, establishing task and adjusting errors and complaints, etc.? A. First, all tasks at the reformatory are based upon what is actually performed by an average workman; as the styles of work change in the different departments it becomes necessary to adjust the task in the foundry; a pattern may go in the sand to-day that has never been in the sand before, and it is by actual test by a fair prisoner what can be done that the tasks are established and from time to time revised; the inmates receive every day a written statement of what they produce and how it affects their standing; in short, the ledger account of which the man receives a daily abstract, is kept with each inmate on task, and any error can be adjusted at once; he has the privilege to return these, making his statement of the error and demand an investigation; then it is investigated, usually by direction of the superintendent, and the error, if there was any, corrected.

Q. Have you ever worked in a shop outside of the reformatory; have you ever worked in a foundry? A. No, sir.

Q. Have had no experience of that kind? A. No; I am not a mechanic.

Q. Have you, during the entire time you have been connected with the reformatory, had an opportunity to see the superintendent as he was communicating with the inmates, or around

among them in different parts of the reformatory? A. Very frequently.

Q. Have you had an opportunity to observe his bearing toward them? A. Yes, sir.

Q. And his intercourse with them? A. Yes, sir.

Q. How would you characterize it? A. As it has been by most witnesses, very friendly, interested in the man, desiring his improvement.

Q. Apparently? A. Yes; apparently.

Q. Apparently friendly and kind? A. Yes, sir.

Q. Have you ever at any time seen blood upon the floor or flags in the corridors? A. I have upon more than one occasion.

Q. What corridor? A. The last I saw was the main hall; the south wing extension.

Q. Is that the portion of the reformatory where the solitaries are? A. Yes, sir.

Q. Where the hospital is? A. Yes, sir.

Q. Was it along the corridor leading to the hospital? A. It was where a number of men were standing who were spitting it; I saw it; it was at the door to the dentist's room.

Q. Have you ever seen blood upon that floor more than once? A. Yes; I have seen a little of it once; that was at another time.

Q. Where was this? A. These men had been to see the dentist and were waiting to go out and they had their teeth pulled.

Q. Was the dentist's room located near this corridor? A. Yes; near the door.

Q. Did you ever see any blood along the hall leading from the corridor to the bath-room? A. I saw a man have hemorrhage once and I ordered the blood cleaned up right after.

Q. A hemorrhage when he was taken to or from the bath-room? A. No bath-room connected with it.

Q. Have you ever seen blood upon the floor of the hall leading from the corridor to the bath-room? A. Oh, no.

Q. Never saw any blood there? A. No.

Q. What opportunity have the inmates to make complaint if they desire to, to you or the other officers? A. I can't talk about all the officers; they are perfectly free to make complaints to me.

Q. By letter or orally? A. Orally or by letter.

Q. Have complaints ever been made to you respecting the treatment which they have received from Mr. Brockway? A. Yes, sir.

Q. What complaints have they made? A. They have often complained; have asked for change of work; that is the principal complaint;

Q. What other complaints have been made? A. We have changed them from one shop to another; they want to get off task; they want to get out of the red suit; those are the complaints that I have listened to occasionally.

Q. Ever heard of any others as against the superintendent? A. No.

Q. Ever heard any complaints as to his treatment by him in the bath-room? A. Never any complaints.

Q. Are the inmates frequently injured in the shops while engaged in work? A. I wouldn't say frequently, but accidents happen.

Q. In which they are wounded or injured? A. Yes, sir.

Q. And blood flows? A. Occasionally.

Q. And they are taken to the hospital? A. Yes; or to the doctor wherever he happens to be.

By Mr. Litchfield:

Q. What shops occasion the most injuries of that nature? A. The most dangerous shop is the shop in which there is swift running wood-working machinery and shaker and saw; men are likely to be careless and if they don't have their eyes on their work all the time they cut off their finger.

Q. Serious injury where they are likely to loose considerable blood right away? A. Yes; right on the spot.

Q. How is it with other occupations there; have you other occupatons that occasion injuries whereby there might be loss of blood? A. In machine shops; we have extensive shops in which there is belting or machinery running; almost any accident of that kind might occasion loss of blood.

Q. There are also trade schools? A. Yes, sir.

Q. Those are liable to occur at any hour of the day? A. Yes; we have a rather large barber's class.

Q. Do dangerous cuts occur from that cause? A. No.

Q. The trade schools are in operation in the day or evening? A. They are now chiefly in the evening; some of the trade schools are conducted as workshops during the day.

Q. Do you recall instances where fingers have been cut off? A. I couldn't name the man, but I have seen men come in with injuries.

Q. You can recall general instances, but you can't recall specific ones of that nature? A. I can't now.

Q. How about the foundry; do you have serious accidents in the foundry? A. No; we haven't had any serious accident since I have been there.

Q. Nothing likely to occasion serious loss of blood in the foundry? A. No; a burn may be occasioned in the foundry.

Q. Those injuries occur at any hour of the day? A. They are likely, but they are not all so frequent as to be a daily occurrence; they occur occasionally, as they will in any shop, practically.

By Judge Gilbert:

Q. An inmate injured in the shop, in passing from the shop to the hospital would pass the point, as I understand it, where the small hall leading to the bath-room intersects with this corridor that you refer to? A. He may pass there, but he need not necessarily; there are other doors he may pass through.

Q. You gave a statement on your description of the manner in which court-martials are organized and conduct, their proceedings, at the time you refer to I understood you to say that no record was made of the evidence that was given or statements made, except a few notes made by yourself? A. That is right.

Q. I also understood you to say that the proceedings, the statements made by the parties that came before you were presented to the superintendent for him to examine and pass upon? A. Yes, sir; that is correct.

Q. If no record was kept or minute kept of the evidence given before you how could you present that evidence to the superintendent? A. I stated in my testimony before that I had a daily conference with the superintendent, and from day to day, several times a day, we would go over the proceedings as they had been; I would report to him several times a day what occurred.

Q. Whether or not at any time with reference to those forty-five or fifty inmates that were transferred to Auburn prison, the evidence upon which their convictions was based, conviction or decision by the court-martial was presented to Mr. Brockway so he could examine it? A. You assume that fifty men who were transferred to Auburn State prison —

Q. I want to know how could you present to Mr. Brockway fairly, so he could examine fully and carefully the proceedings, the evidence, the statements, etc., that were made before your court, and upon which your decision was based? A. I have a very good memory, and in half an hour or in an hour I can certainly tell him what occurred in the forenoon.

Q. Your answer is substantially this; that so far as what occurred before that court is concerned, and so far as the basis upon which Mr. Brockway was to act, it was simply the oral statements or representations made by yourself to Mr. Brockway as to what had occurred before your board? A. As far as the details of the transactions were concerned.

Q. It rested entirely upon your statements? A. The details of what occurred there.

Q. The evidence or statements made before your court were not preserved in any form? A. All that were taken; yes, sir.

Q. That was embraced in the award, or decision, or findings that the court made, and which you have introduced, or furnished here for the committee? A. Yes, sir.

Q. Were there not several instances where the inmates that were accused protested that they were innocent, that they were not guilty? A. Yes, sir.

Q. Do you say that in all those cases those inmates were given an opportunity to be confronted by those who made statements against them, or who accused them? A. Yes, sir.

Q. In every instance? A. Yes, sir.

Q. That is before your court? A. Before our court or Mr. Brockway.

Q. I am speaking with reference to your court? A. All that acted it.

Q. Do you state positively that in every instance where an inmate denied the charge and insisted that he was innocent, that he was given an opportunity to confront those who claimed that he was guilty or made statements against him? A. I can say that to every man who was tried by the court-martial.

Q. Do you swear positively that in every instance, so far as one of the inmates included in the forty-five or fifty that were transferred to Auburn, who denied the charge and claimed he was innocent, that he was confronted by those who made statements against him? A. There were three or four men, paroled men, who were not tried by court-martial.

Q. They were not confronted by the witnesses before your court? A. No.

Q. Were there any others who were included in the number of forty-five or fifty, who were not confronted by the witnesses who testified against them in your court? A. No others, if they desired to do so.

Q. Whether they desired or didn't desire, that were not confronted by the witnesses? A. I stated forty-eight admitted their own guilt.

Q. You stated a certain number of them denied their guilt? A. Yes; sixteen.

Q. After an investigation they were found to be guilty? A. Yes, sir.

Q. Were there any of those who were convicted by your court without having an opportunity to be confronted by the witnesses or inmates that made statements against them? A. Every man

who was tried and every man of the sixteen who was tried, all that sixteen had that opportunity.

Q. I want to know if they were actually confronted? A. I think all were.

Q. You say you think; will you say positively they were? A. I think I can state positively; I know that was our practice there, and I don't know of a single exception.

Q. I want to know if you can recollect distinctly they were in fact confronted? A. I can't recollect, because I don't recollect all the names of the sixteen men.

Q. Do you remember the inmate Boyd? A. I do.

Q. Hogan? A. Yes, sir.

Q. Walters? A. Yes, sir.

Q. Crumby? A. Yes, sir.

Q. Doherty? A. Yes, sir.

Q. Do you say they had an opportunity to see the witnesses and hear them testify? A. Doherty, Crumby, Walters, Boyd and one more, whose name I don't remember, were never tried by our court-martial; they were tried by the superintendent.

Q. Never tried by any court except by the superintendent? A. Yes, sir.

Q. They were sent, were they not, to Auburn, at the same time the others were sent? A. You seem to assume those forty or fifty men were transferred for this offense.

Q. No; as I understand it, in January, 1893, there were from forty-five to fifty inmates transferred to Auburn prison? A. That is right.

Q. A large portion of them were accused of this offense that you refer to? A. Yes, sir.

Q. For that reason were transferred? A. No; not for that reason.

Q. Why not? A. For their general record; that is only one of the offenses of which they had been guilty in the prison; a transfer to State prison is not for any one specific offense a man may commit in the reformatory, but when selections of transfers to State prison is made, a very careful selection is made, and the most hopeless cases are selected, based on the general record.

Q. How many were in fact transferred in January, 1893? A. Fifty, I think.

Q. How many of those were accused of this offense, sodomy? A. I think fifteen or sixteen.

Q. The others were accused of various offenses and were sent up because of their general bad record? A. Yes; all of the selections are made for three reasons.

Q. Were the balance of the fifty sent up for other offenses or general bad conduct? A. I can only state for what reasons men are transferred to State prison; I can't say why A, B or C were.

Q. Isn't it true that very many of those were transferred for the reason that the reformatory was overcrowded, that you hadn't room for them? A. We have never made that the cause for a man's transfer.

Q. Do you mean to say there never has been an instance where an inmate has been transferred because of the overcrowded condition of the reformatory? A. Not unless there was something to warrant his transfer; I will say yes.

Q. I will put in another form; do you mean to say there never was an instance where an inmate would have been transferred to a State prison if it had not been that the reformatory was overcrowded? A. I don't think ever a man would have been transferred; no man would ever have been transferred to prison, and I will state further the reformatory was originally populated with men transferred from the State prison.

Q. We don't want to go back seventeen or twenty years; I want to know if in 1893 any of those fifty inmates were transferred for the reason that the reformatory was overcrowded? A. No; I don't think any man ever was.

Q. Do you think that had anything whatever to do with their transfer? A. It would lead —

Q. (Int'g.) Had that consideration anything to do with the transfer? A. Not individually.

Q. Had it collectively? A. It would collectively.

Q. Collectively, the fact that the reformatory was overcrowded was one of the causes which produced a transfer of about fifty inmates from the reformatory to State prison? A. That is right

Q. Are you willing to say if it hadn't been for that cause that those fifty or none of them would have been transferred? A. I couldn't say; possibly not.

Q. As I understand you, with the exception of four or five of the fifty, they had been tried by a court-martial, either your court-martial or some other? A. Not the fifty transferred but those implicated in those charges.

Q. About sixteen of those? A. I think there were fifteen or sixteen.

Q. All of those, with the exception of about four, were tried by your court? A. Yes, sir.

Q. Those four you say were tried by Mr. Brockway alone? A. Yes, sir.

Q. Were you present at the trial of those four? A. I was present when Mr. Brockway interviewed them about their offenses.

Q. Where did that trial occur? A. Right at the cell.

Q. Where the men themselves were confined? A. Yes, sir.

Q. In what cell? A. Some were in the reception room and others were in the seclusion cells; we had set that apartment aside for this purpose that week.

Q. There were eight cells in that apartment? A. Eleven all together; eight in the seclusion.

Q. The eight seclusion cells were occupied? A. Yes, sir.

Q. By one inmate in each? A. Yes, sir.

Q. Whereabouts with reference to those cells was the tribunal? A. We sat outside of the reception rooms.

Q. The reception room isn't near the solitaries? A. Certainly they are right around the corner.

Q. The reception room isn't in the same tier or connected with the same tier of cells that the solitaries are? A. There are eleven cells that are called the solitaries; three are the reception rooms and eight the seclusion cells.

Q. The three reception cells are at one end of the tier? A. They are in the first room and the seclusion cells are in the second room.

Q. The reception cells are not connected with the seclusion cells? A. No; not immediately.

Q. As I understand it, this court was held near the reception cells? A. Yes, sir.

Q. Eight of those convicts were confined in the seclusion cells? A. Eight men were there at the time.

Q. Where was Doherty and these other three prisoners at the time that Mr. Brockway was holding that court? A. Doherty was in a reception room; Crumby was in a reception room: Walters was in the corner cell facing south, in a seclusion room: Boyd was in the southeast corner cell facing the window.

Q. Did you see them in their cells? A. I did.

Q. Converse with them? A. I went there with Mr. Brockway.

Q. Did you converse with them? A. I did with some of them.

Q. Were they in chains? A. No, sir.

Q. Any of them? A. No, sir.

Q. Positive of that? A. Positive.

Q. Who came before Mr. Brockway at that time to give evidence? A. Ogden was one, Nicholson and Wiley; that is all I can recollect.

Q. Was either one of those prisoners, the accused, present at the table or the place where the evidence was being given? A. They were confronted.

Q. Were either one of these accused present at the table? A. This occurred at the cells.

Q. Was there a table there or anything upon which there was writing material? A. There was a table in our room.

Q. Whoever were holding the investigation sat around that table? A. Mr. Brockway stood at the door talking with the men.

Q. While you were receiving the evidence? A. We were sitting around that table.

Q. Do you mean to say that any one of those accused parties were sitting right there with you? A. Certainly, everybody.

Q. I mean of the prisoners sat right there with you? A. Every man took a seat right opposite the table, every witness we called.

Q. The accused, were they right there with you? A. I told you before the accused as we took them in, one at a time—

Q. (Interrupting.) Did the accused, those that you were trying, did they sit at the table with you listening to the evidence? A. I can't answer that in that way; I want to tell you just as it happened, but you don't let me answer.

Q. In the first place, you had a table in the cell called a reception cell? A. Yes, sir.

Q. Whoever formed the court were around that table? A. Yes, sir.

Q. You had writing material there? A. Yes, sir.

Q. Whoever were accusing these parties or witnesses against them were brought in there and gave their evidence? A. That is correct.

Q. At that time were the four persons, or either one of them, that were accused, that Mr. Brockway was trying, were they sitting there listening to that evidence? A. Mr. Brockway was never trying those cases.

Q. Didn't you state a moment ago you tried all the cases, except four, and that those four were tried by Mr. Brockway? A. Certainly, but not there.

Q. I understood you to say he held a trial or proceeded at some kind of investigation, that was out there in the reception cell? A. I have told you several time Mr. Brockway did this at the cell; he went over and talked with those men at the cell door.

Q. The place where the court was being held was the place where the court-martial held their court? A. Yes, sir.

Q. That was the place where the other twelve were tried? A. Yes; the fifty, if you please.

Q. I understand there were only about sixteen? A. The others confessed it; they were all examined there.

Q. I understood you to say there were only about sixteen that were implicated in and convicted of this offense? A. Sixteen were transferred; sixty-four all together were guilty

Q. You were either incorrect in your statement or I misunderstood you when you said all those who were accused of the crime of sodomy, all were found guilty with the exception of six or eight? A. Yes, sir.

Q. And they were found not guilty? A. Yes.

Q. Now you say there were some sixty or seventy accused of sodomy? A. Yes.

Q. The entire forty-five or fifty were accused of that crime? A. Yes, sir.

Q. That forty-five or fifty were sent to Auburn? A. No, sir; sixteen of them.

Q. You say that the court-martial was held in this reception-room and you stated once that all of the witnesses that came before you came voluntarily and made voluntary statements? A I said they were all brought in.

Q. Didn't you state upon your direct examination that as the witnesses were brought before you they all made their statements voluntarily? A. Yes.

Q. That you did not ask them any questions? A. No.

Q. That you didn't inform them who their accusers were? A. That is what I stated.

Q. As I recollect Facey was one of the witnesses upon that trial? A. Yes, sir.

Q. One of the material witnesses? A. Yes, sir.

Q. His evidence was material so far as the case was made or claimed against some four or five of the inmates? A. It was part of the evidence.

Q. Wasn't it a material part? A. Every part is material.

Q. Was Facey's evidence material? A. Certainly; I think I have answered that.

Q. Do you remember the four or five that Facey made statements against? A. No; I couldn't recall their names.

Q. Can you name any of them? A. I couldn't recall one now.

Q. Can you state what other evidence was given against those that Facey gave evidence against? A. Not now; I could at the time, when I had the memoranda.

Q. You didn't make any particular memoranda of the evidence? A. Every name and in substance what he said; John Smith accuses John Doe; I had the two names and the substance of what he stated.

Q. From your recollection of the evidence, can you now state positively these four or five persons against whom Facey gave evidence would have been found guilty by your board if Facey had not given any evidence? A. I said so positively.

Q. They would have been found guilty without Facey? A. I said so positively.

Q. If that was so then why did you send Facey back to the bath-room twice for the purpose of compelling him to give evidence? A. Because I considered it necessary for him to give evidence.

Q. If you had evidence abundant without it, why subject him to punishment for some? A. I didn't subject him to any punishment.

Q. You knew he was sent to the bath-room for the purpose of receiving punishment? A. Comply with the requirements.

Q. When you sent him to the bath-room it was for the purpose of either receiving threats or punishment such as would compel him to make certain statements before you? A. I sent him to Mr. Brockway with the report that man had refused to give any testimony at that court-martial, that he was putting obstacles in our way of ascertaining the truth about these crimes that had been committed; I made no other recommendation.

Q. Do you mean to say that Facey did not at that time claim to your court that he did not know of anything that was material in the matter? A. No, sir; he didn't state that.

Q. Didn't he claim he didn't know anything against these people? A. No, sir; no names were mentioned to him.

Q. Didn't he say to your court that he didn't know anything about these offenses? A. He was not charged with any particular offense.

Q. You were investigating something and he was required to make a statement in reference to something, wasn't he? A. I can't answer that in that way.

Q. Didn't you call him before you for the purpose of making a statement? A. Certainly.

Q. Do you mean to say that when you called him before you to make a statement that you didn't know what the charge was in relation to which he was to make his statement? A. Only the general charge of sodomy.

Q. When that general charge was made and you brought him before you for the purpose of his giving you statements in relation to it, didn't he say to your court he didn't know anything about it? A. He did not say that; I have answered that two or three times.

Q. Didn't he refuse to make a statement? A. He did.

Q. Wasn't he sent to the bath-room for the purpose of compelling him to make a statement? A. No, sir.

Q. What was he sent to the bath-room for? A. To obey.

Q. Obey what? A. The court.

Q. What court? A. The court that was in session there, making inquiry.

Q. What order had the court made that he was refusing to obey? A. To give testimony.

Q. Then you had ordered him to give testimony, hadn't you? A. About himself; I wanted him to aid us.

Q. He refused to make them? A. He refused to say anything, and did not deny his guilt.

Q. In so many words, he didn't deny his guilt, but didn't he claim to you he didn't know anything about the charge? A. No, sir.

Q. You had ordered him to make a statement? A. I will tell you what I said to him, if you call it a statement.

Q. You have given your description of it? A. No; I haven't; you haven't given me an opportunity.

Q. You sent him to Mr. Brockway? A. I went with him the first time.

Q. Where was Mr. Brockway at the time? A. On the guard-room floor.

Q. Where did you go from the guard-room floor? A. I went to Mr. Brockway first, and told him about it, and he said, "Bring him to me," and I went and got Facey and met Mr. Brockway.

Q. Where did you and Brockway go with him? A. I didn't go with Mr. Brockway; I met Mr. Brockway when I came with Facey near the bath-room, and we went in the bath-room.

Q. Didn't you say you took Facey and went to the guard-room to see Mr. Brockway? A. I did not state that; I said I went first to see Mr. Brockway and he said, "Bring Facey to me."

Q. At the guard-room? A. Yes, sir.

Q. You went back for Facey? A. Yes; when I came with Facey I met Mr. Brockway in the south hall and we went together in the bath-room.

Q. What occurred when you were in the bath-room upon that occasion? A. Mr. Brockway talked to Facey and told him, as I explained before, that he was putting obstacles in the way of finding, rooting out a very serious evil in the reformatory; that it was his duty if he wanted to get out of the reformatory, if he wanted to be considered a fit subject to ever go out, to start on a basis of truth and be truthful about this matter, as far as he was concerned, and aid the government in cleaning out the filth, and

he talked friendly to him, and he said he would come back and tell us all about it, and that is all there was of that interview.

Q. Did you join in that conversation? A. I did not.

Q. You state distinctly now that Mr. Brockway stated to hi that it was his duty to state all that he knew about it, providing he desired to advance in grade, etc., and be discharged? A. That isn't what I stated.

Q. That is the substance? A. You can draw your own conclusion as to the substance; I stated Mr. Brockway said to him, i order to start upon the basis of truth and work his way out on the basis of truth, he had to assist the government of the institution in cleaning up the evil; that is what was said.

Q. Do you mean to say Mr. Brockway at that time did not intimate or say to that man Facey, that "if I find you guilty of this charge I will transfer you to Auburn prison?" A. No such thing said.

Q. On the contrary it was told him by Mr. Brockway that if he would start upon the basis of truth and follow that he would soon work his way out.

Mr. Stanchfield.—I beg your pardon, he didn't say that.

Q. Won't you repeat that again? A. I stated that Mr. Brockway told him that he had appointed this court to investigate offenses of sodomy that were committed in the reformatory; that when this court came to inquire of him he refused to state what he knew; that by that act he was putting obstacles in the way of our ascertaining the truth about these matters; that it was necessary for him to be truthful in order to ever be a fit man to live in society he would have to start upon a basis of truth in the reformatory; that was in substance.

Q. Is that what you stated before? A. Yes, sir; substantially; stated it three or four times, I think.

Q. You stated to Mr. Brockway that this man was putting an obstacle in your way of investigation? A. I explained the case to him.

Q. Wasn't the obstacle he was putting in your way a refusal to make a statement? A. A refusal to give testimony.

Q. After he was talked to by Mr. Brockway in the manner that you have indicated, he was then taken back to the court again? A. Yes, sir.

Q. Then he refused again? A. He refused again.

Q. Then what was done? A. Sent him back to Mr. Brockway.

Q. Did you go with him? A. I did not.

Q. Who did go with him? A. I think Mr. Sample; I am not positive.

Q. You don't know what occurred in the bath-room? A. No; I wasn't there.

Q. Will you state positively that this man Facey was not punished twice? A. Positively

Q. You say he was not punished twice? A. Not punished twice.

Q. He may have been punished and you understand he was punished once? A. I understand he was.

Q. You also know that after he had been taken to the bath-room the second time he gave the required statements? A. Yes, sir.

Q. Facey, with the others, was transferred to Auburn prison? A. Facey was one of the fifteen or sixteen men.

Q. He was sent there upon the strength of the evidence that he gave before your board? A. Not at all.

Q. He was there upon the strength of evidence given to others? A. He wasn't sent for that at all.

Judge Gilbert.—I am frank to say I am not censuring Mr. Brockway, or pressing this examination for the purpose of establishing any fact against him in reference to this matter, but solely for the purpose of bringing out one feature in connection with the law relating to the establishment of this reformatory which I think the Legislature should understand, and modify the character.

Adjourned to Thursday, February 15, 1894.

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Thursday, Feb. 15, 1894, 9 a. m.

Oscar Hoppe, recalled:

Examination continued by Judge Gilbert:

Q. I understood you to say that while this investigation was going on; that is, the court-martial was in session and investigating these charges of immorality, that many of the accused were in the cells known as the solitaries? A. Yes, sir.

Q. Had they been arrested on this charge and placed in the solitaries? A. They were arrested for the investigation.

Q. They had been arrested before the investigation and placed in the solitaries? A. Yes.

Q. When they were full the others that were arrested were placed in other cells? A. In other cells.

Q. They were held under what I will term close confinement? A. They were held in the cells until the investigation was over.

Q. Not in chains? A. Not in chains.

Q. So that, as I understand you, they were actually arrested and placed, some of them in the solitaries before any decision had been made by the court-martial? A. Yes, sir.

Q. After the decision of the court-martial, other than when the court-martial made its decision, that was transmitted to the superintendent for him to confirm if he saw fit? A. Yes, sir.

Q. After it was confirmed by him then the men were transferred to the Auburn prison, those that were transferred? A. A few of them.

Q. Only about sixteen? A. Just about the number.

Q. So that the entire forty-five or fifty that were transferred in January, 1893, were not transferred because of immorality? A. No, sir.

Q. But for various causes? A. For various causes.

Q. Can you give any idea of about what the average maximum length of time would be that those inmates might, under the law, be imprisoned for the offenses which they had committed or were convicted of? A. I can make an estimate; between two and three years I think would be the average.

Q. Can you give any idea of about the average length of time that these men have been confined in the reformatory previous to the transfer? A. That would vary greatly; I think the average might be a year or fifteen months.

Q. So that the aggregate extension of their imprisonment when transferred to the reformatory by that action would, in the aggregate on that fifty, be about fifty years, about a year apiece? A. A year apiece.

Q. As I understand you, none of them were placed in chains until a short time before the transfers were made? A. None were placed in chains during that investigation.

Q. They were not placed in chains until the night before? A. Until they were transferred.

Q. In connection with this I will call your attention to the record, a certified copy of which you present, showing the number of transfers that have been made between November 16, 1887, and the present time? A. Yes, sir.

Q. Can you give the aggregate number? A. Six hundred and eight.

Q. They were usually transferred in fifty squads? A. Yes; squads of fifty as a rule.

Q. And transferred under the resolutions, copies of which you have furnished? A. Yes, sir.

Q. Do you know of any transfers having been made before action had been taken in reference to them by the board of managers? A. I have never known of any.

Q. Do you know that in every case the transfers were not made until after the board of managment had directed it by resolution? A. In every case since I have been connected with the reformatory.

Q. You have been connected with the reformatory how long? A. Twelve years.

Q. You have passed through the various stages of the reformatory, so far as the reformatory process is concerned, until you received your final discharge? A. Yes, sir.

Q. After that you were continued in various positions from that time until the present time? A. Yes, sir.

Q. Will you state what positions you have held from time to time? A. I have stated it before.

Q. What is the position which you now hold? A. Clerical position; in particular charge of the industrial department.

Q. What are you called? A. Manufacturing assistant.

Q. Haven't you been acting in the capacity of a deputy superintendent, or something of that kind? A. No; never.

Q. You have had very general charge of the books? A. Yes; under the superintendent's direction.

Q. You are employed by him? A. Yes, sir.

Q. Your duties are all specified by him? A. Yes, sir.

Q. You perform them under his direction? A. Yes, sir.

Q. You have, from time to time, furnished the various records which the superintendent or board of managers have been requested to furnish to the committee? A. I have; yes, sir.

Q. You are very familiar with the books, the records and the reports, etc., that have been made, from time to time, by the reformatory officials? A. I am.

Q. In the part of the records you have furnished you have furnished the records relating to the punishments that have been inflicted from year to year? A. Yes, sir.

Q. Are those records substantially correct? A. They are correct.

Q. You have given your opinion with reference to the inmate monitor system, and with reference to the task system, and I understand you were in the reformatory as early as 1881? A. Eighteen hundred and eighty-two.

Q. At that time were the inmates punished by the strap? A. They were, as I have heard; of course, I never seen it.

Q. Did I understand that as large a per cent of the inmates were punished in that way in 1882 as there was in 1892? A. I think the percentage in 1882 was somewhat smaller.

Q. Wasn't it considerably smaller? A. The number of inmates was so much smaller.

Q. Was the monitor system in vogue in 1882? A. To some extent it was.

Q. The inmate monitor? A. To some extent.

Q. But not the extent it has been during the last five years? A. No sir.

Q. The inmate monitor system constitutes almost entirely the whole monitor system; there are but few citizen monitors now? A. No; not a few; we have quite a large number.

Q. The greater number are inmate monitors? A. If you include the officers of the military I would have to concede that.

Q. Refering to the military, and in this connection I understand it as early as 1882 there were printed rules and regulations? A. There were, I think, about that time.

Q. Republished about 1884? A. Yes, sir.

Q. That publication is the last one that has been made of the rules and regulations relating to the reformatory, so far as you know? A. Except one that is in print.

Q. The last one that has been published? A. That has been issued; there is another one in print.

Q. At that time, as I understand it, there had not been organized or established in the reformatory what is known now as the military system? A. No, sir.

Q. So that in addition to those rules and regulations there now exists those rules and regulations relating to the military department? A. Yes, sir.

Q. Are they printed? A. Yes, sir; perhaps the term "rules" does not quite describe it; it is a small book, manual, containing full instructions as to all the military exercises.

Q. Called a military code? A. We don't call it code.

Q. It contains the rules, etc., relating to the military? A. Yes, sir.

Q. Are there not also very many rules that the inmates and officers are required to observe that are not in print? A. Proprieties, call them more than rules.

Q. What do you mean by "proprieties"? A. Men may be guilty of a certain offense and be reported for it, without the offense being enumerated in the printed rules.

Q. These are various proprieties or matters which an inmate is required to observe that you would call rules; there are very many things an inmate is required to observe relating to this conduct; etc., that you do not regard as rules? A. Not as rules.

Q. Yet if he doesn't observe those he may receive marks for? A. Yes, sir.

Q. So far as you know or have observed, are the rules and regulations any more stringent now or were they any more stringent

in 1892 than they were in 1882? A. Not outside of the military system.

Q. They are about the same, you think? A. They are about the same.

Q. The military rules are to added? A. Yes, sir.

Q. Have you made a computation or examined these records so you can state what number of punishments have been administered by the superintendent during the last five years preceding the 1st of October, 1893? A. I have made such a statement, and I have made that computation, but I can't state the figures now.

Q. You made that computation from the original record? A. I computed these abstracts.

Q. From the abstracts you furnished the committee? A. Yes, sir.

Q. These are the abstracts? A. Those are the abstracts.

Q. Can you give pretty near the aggregate number? A. I have forgotten now; about 1,500 or 1,800; I am not at all positive.

Q. Isn't it true that during the five years referred to that between 2,500 and 2,600 punishments of that character were inflicted in the bath-room? A. It is possible the abstract foots that way; I can't recall the figures.

Q. Did you give personal attention to the making of this abstract? A. I did; yes, sir.

Q. Are you able to state positively that this is a correct or substantially correct abstract from the records? A. Yes, sir.

Q. From your own personal knowledge? A. From my own personal supervision of the clerks who made it.

Q. You are unable to say whether the number of punishments as shown by these abstracts is less than 2,500 or not during the five years next preceding the 1st of October, 1893? A. Not having the figures I can't state.

Q. Can you state the average number of blows which the record shows was inflicted at each one of those punishments? A. Yes, sir.

Q. What was it? A. Six and a half.

Q. Has that computation been made by yourself? A. I made that myself.

Q. You found it to be six and a half? A. Yes, sir.

Q. Can you state the number of inmates that received one blow? A. I don't remember the number of inmates that were spanked.

Q. Or two blows? A. I can't state.

Q. Can you approximate? A. I can approximate it about in this way, that about forty-five per cent, as near as I can recollect, had one, two or three blows, but I can't state exactly.

Q. Can you state exactly the number that received L or L plus blows? A. No, sir; I can not remember.

Q. Have you prepared any such statement? A. I have.

Q. Have you got it with you? A. It is in possession of counsel.

Q. As to whether these abstracts showed correctly the number of punishments or number of blows that were inflicted at each punishment, you are unable to say further than what you find upon the records? A. That is all, simply an abstract from the records.

Q. These records were made up from memoranda, etc., that were furnished you by the superintendent or others connected with the punishments immediately after the punishment was inflicted? A. They were furnished by the superintendent to myself or others, to clerks.

Q. The records were made up from those? A. Yes, sir.

Q. For a long time you were not present at any of these punishments? A. I have never been present at punishments at any time.

Q. I find in the annual report of the board of managers of the State Reformatory at Elmira, I find this table for the year ending September 30, 1882, and transmitted to the Legislature January, 1893, statements showing the rate of progress in the grades:

Reached first grade after six months, 470, or thirty-eight and seven-tenths per cent.

Reached first grade after nine months, 114, or nine and four-tenths per cent.

Reached first grade after twelve months, 128, or ten and five-tenths per cent.

Reached first grade after eighteen months, seventy-seven, or six and four-tenths per cent.

Reached first grade after twenty-four months, fifty-six, or four and six-tenths per cent.

Reached first grade after thirty-six months, six, or five-tenths per cent.

Aggregate number, 851, and seventy and one-tenth per cent.

Dismissed before reaching first grade, forty-eight or four per cent; in progress now, 314 or twenty-five or nine-tenths per cent, making the aggregate number 1213, and 100 per cent. I read from the report of the reformatory, made for the year ending September 30, 1892, and presented to the Legislature January, 1893, the ratio of progress in the grades as shown by the report is as follows:

After only six months, seventy or five and one-tenth per cent.

From seven to nine months, fifty-nine or four and three-tenths per cent.

After from ten to twelve months, thirty-six or two and seven-tenths per cent.

After from thirteen to eighteen months, ninety-three or six and eight-tenths per cent.

After from nineteen to twenty-four months, twenty-eight or two and one-tenth per cent.

After from twenty-five to thirty-six months, twenty-seven, or two per cent. After thirty-six months, eleven or eight-tenths per cent.

The aggregate per cent is twenty-three and eight-tenths per cent and the number 324.

In progress now, 1040 or seventy-six and two-tenths per cent.

Q. I am requested by the defendant to ask you if you can give the number of inmates that were punished during the five years next preceding October 1, 1893? A. Yes; the average per year during the five years was between 220 and 225.

Q. And the aggregate number? A. That would be about 1,100 for the five years; 1,100 or 1,150.

Q. In the number of punishments that you referred to on your cross-examination, you were referring to the number of punishments? A. Of occasions.

Q. Many of those were cases where inmates had received perhaps several punishments? A. Some of the 1,150 may have been.

Judge Gilbert.— The defense desires to introduce the reports of the board of managers and superintendent, etc., including the report of 1882 down to and including the report of 1886, as found in that volume. They also offer in evidence the balance of the reports down to and including the one made up to October 1, 1893, and presented to the Legislature in January, 1894.

Mr. Stanchfield.— This offer is understood to include both the reports of the reformatory and of the board of managers.

Q. Have you examined the records in reference to the 1,150 inmates that have been punished in the bath-room during the five years previous to October 1, 1893, with reference to the number of admonitions given to those inmates? A. I have.

Q. What is the aggregate amount of those as found by your record; is this substantially correct, 9,529? A. Yes, sir; if that is the figure I put down; I made that statement.

Q. Made it from the record? A. From the record.

Q. These figures, 9,529, are substantially correct? A. They are correct.

Q. They show the instances when these inmates were admonished and not punished? A. That is what admonishment means; those were written admonishments.

Q. Sent to the inmate, but did not include the cases where the inmate was admonished after he went to the bath-room and was admonished there and not punished? A. I think those cases are stated separately.

Q. Can you give the number of those cases; did you make a memoranda in reference to that? A. Yes, sir.

Q. Are these figures correct; 1,395? A. Yes, sir.

Q. Can you state the average daily prison population during the five years preceding October 1, 1893? A. Between twelve and thirteen hundred.

The following is a copy of the resolutions adopted by the board of managers:

(Copy.)

At a meeting of the board of managers held at the reformatory, November 16, 1889,

Present.—Managers Wey. Rathbone, Peters, Arnot.

The superintendent reports that he has, in accordance with previous authorizations transferred the following prisoners to Auburn State prison: Wm. E. Coggeshall, Wm. De Graff, James Fell, Henry Fitzgerald, James Russell, James Roach, Edward McSherry, Wm. Smith, Major Trackey, George Weston; which was approved.

(Copy.)

At a meeting of the board of managers, held at the reformatory, March 15, 1889,

Present.—Managers W. C. Wey, M. H. Arnot, W. H. Peters, James B. Rathbone.

Whereas, Written permission has been received from the Superintendent of Prisons to transfer to the Clinton prison fifty inmates of this reformatory;

Resolved, That the general superintendent is hereby directed to transfer to the Clinton prison the following named inmates shown to have been at the time of conviction more than thirty years of age, or to have been previously convicted of crime, or who are apparently incorrigible, and whose presence in the reformatory appears to be seriously detrimental to the institution.

684 Harper.
1471 Sullivan.
1478 Dorsey.
1762 Keller.
1783 Rusaw.
1793 Dailey.
1798 Reibleman.
1809 Lyman.

1819 Wilson.
1835 Vinson.
1846 Williams.
1854 Cappler.
1873 Bullard.
1880 Brown.
1888 Shine.
1904 Holdorf.
1921 Gorman.
1943 Leonard.
1951 Donovan.
1697 Welch.
1979 Allen.
2036 Brown.
2068 O'Connor.
2110 Tane.
2114 Garnet.
2119 Kelly.
2135 Fischer.
2259 Connelly.
2320 Jones.
2322 Smith.
2330 Cunningham.
2366 Sloan.
2426 Duffy.
2457 Hardy.
2629 Wilson.
2630 Burns.
2642 Pope.
2685 Fisher.
2727 Noss.
2754 Nelkin.
2801 Toronto.
2923 Ryan.
2971 White.
3280 Platt.
3295 Downing.
3309 Skinner.
3346 Gordon.
3266 Stiner.
2100 Armington.
2011 Flaherty.

(Copy.)

At a meeting of the board of managers held at the reformatory Friday May 10, 1889.

On motion of Mr. Arnot,

Resolved, That as permission has been received from the Superintendent of Prisons for the transfer of fifty prisoners to Clinton prison on same condition as previous transfer, the supeintendent is hereby authorized to transfer the following named inmates:

1721 Bowe.
1825 Jimison.
1848 De Lamater.
1874 Bullis.
1886 Stanton.
1924 Butler.
1985 Anderson.
2018 Grady.
2061 Miller.
2084 Bristol.
2095 Vanderpool.
2072 Leighton.
2137 Marshall.
2159 Rock.
2192 O'Brien.
2217 Garner.
2241 Welten.
2287 Kreautz,
2289 Brakeman.
2302 Schmidt.
2311 Mayer.
2355 Murphy.
2365 Sullivan.
2413 King.
2437 Gordon.
2440 Boswell.
2453 McCormick.
2455 Marsh.
2510 Clark.
2528 Hogeboom.
2566 Carman.
2461 Meyer.
2592 Morgan.
2600 McCall.
2621 Deegan.
2626 Benedict.
2694 Smith.
2696 Green.
2719 McGovern.

2841 Brooks.
2931 Keeley.
2951 Sabrook.
2969 Mirowsky.
3058 Collins.
3061 Downs.
3072 Grey.
3186 Healey.
3197 Morris.
3372 Williams.
3449 Perry.

(Copy.)

At a meeting of the board of managers held at the reformatory, June 14, 1890,

Present: Managers W. C. Wey, M. H. Arnot, W. H. Peters, James B. Rathbone.

Resolved, That when the Superindent of Prisons gives his consent that the general superintendent of this reformatory cause to be transferred to the State prison at Auburn, the following named inmates, shown to have been, at the time of conviction, more than 30 years of age, or to have been previously convicted of crime, or who are apparently incorrigible, and whose presence in the reformatory appears to be seriously detrimental to the institution.

2404 Parker.
2661 Murphy.
2176 Knapp.
2414 Kelly.
2518 Reese.
2638 Fisher.
2678 Sachs.
2810 Garrabrandt.
3023 Williams.
3672 Flynn.
2224 Davis.
2731 Diamond.
3114 Wilson, Jr.
3517 Reed.
3596 Brown.
3642 Harrigan.
3659 Hirschfield.
3205 Jones.
3710 Weeks.
3762 Delaney.

3828 Doyle.
3558 Robb.
2927 Murphy.
1926 Callahan.
2398 Johnson.
2558 O'Brien.
2640 Montell.
2732 Greenfield.
2888 Geddis.
2910 Gant.
3027 Conley.
3141 King.
3183 O'Brien.
3190 Mead.
3590 Skelly.
2429 Fisher.
2468 Mager.
3354 Smith.
3497 Jones.
3539 Buckley.
2374 Curtus.
2384 Calleghan.
3301 Hill.
2852 O'Connor.
2744 Kirbing.
2583 Wilber.
2382 Smith.
2880 Cohen.
3170 Sammon.
2960 Testue.

(Copy.)

At a meeting of the board of managers held at Chemung Canal Bank December 9, 1890,

Present.— Manager W. C. Wey, M. H. Arnot, W. H. Peters.

On motion of Manager Arnot it was ordered: That the general superintendent be directed to transfer the following to Clinton State prison, pursuant to chapter 711, section 11, Laws of 1887:

2354 Murphy.
2367 Curry.
2463 Kratz.
2614 Thorne.
2624 Gilmartin.
2681 Goodwin.
2740 Kelch.

2742 Bridgman.
2806 Roeder.
2826 Schultz.
2842 Kennedy.
2848 Dennis.
2901 Fitzgerald.
2981 Husted.
2998 Jock.
3006 Gebkusky.
2999 Boinay.
3016 McClure.
3092 Stransberg.
3159 McCann.
3211 Neall.
3214 Henderson.
3311 Johnson.
3326 Smith.
3406 Crofut.
3470 Gearre.
3620 Casey.
3678 Farrell.
3682 Lavery.
3691 Sullivan.
3703 Sherlock.
3714 White.
3790 Gray.
3800 Wogan.
3806 Godfrey.
3833 Rohmer.
3850 Secor.
3876 Rudolph.
3902 McCormick.
3907 Gallagher.
3917 Getz.
3935 Smallback.
3958 Greisman.
3966 Clarkson.
4036 Cassell.
4070 Spellane.
4248 Brown.
4266 Wallace.
2800 Simmons.
3857 Smith.

(Copy.)

At a meeting of the board of managers held at the reformatory March 13, 1891,

Present.—Managers W. C. Wey, M. H. Arnot, W. H. Peters, James B. Rathbone.

Resolved, That the following list of prisoners be transferred to the Auburn State prison, pursuant to chapter 711, Laws of 1887:

2357 Beglin.
2376 Taylor.
2392 Steinard.
2449 Mahon.
2549 Jackson.
2613 Clark.
2657 Hazard.
2828 Carragher.
2858 Demaress.
2957 Livingstone.
3049 Rosenbaum.
3099 Gellner.
3103 Nagle.
3122 O'Brien.
3268 Hart.
3288 Dillon.
3352 O'Hara.
3486 McMahon.
3499 Brady.
3539 Smith.
3520 Westfall.
3543 Cowen.
3651 Coleman.
3675 Gibbons.
3669 Kahn.
3686 Bassford.
3734 Lyons.
3765 Gray.
3772 Ashton.
3779 Blodgett.
3813 Hulsman.
3835 Morris.
3861 Brindle.
3969 Kenchen.
3870 Coyne.
3881 Jollivett.
3985 Farrell.
3887 Clancey.

3891 Britton.
4051 Shey.
4065 Carl.
4066 Duffy.
4073 Adamson.
4076 Anderson.
4084 Boss.
4091 Murray.
4094 Sullivan.
4112 Hooper.
4114 Stapleton.
4171 Tobey.

(Copy.)

At a meeting of the board of managers, held at the Chemung Canal Bank, on November 24, 1891, at 12 o'clock, noon,

Present.—Managers W. C. Wey, M. H. Arnot, W. H. Peters, James B. Rathbone.

It was unanimously resolved that the written consent of the Superintendent of Prisons having been obtained, the general superintendent be hereby authorized to transfer to Auburn State prison the following named fifty prisoners, who are apparently incorrigible, and whose presence in the reformatory seems to be detrimental to the wellbeing of the institution:

2663 Fields.
2712 Finley.
2714 Wilson.
2737 Dohme.
2821 Morton.
2843 Goldstine.
2860 Holder.
2881 Miller.
2934 Gies.
2940 Codmus.
2947 Stadtler.
2948 Keenan.
2977 Dick.
2982 Ackert.
3035 Gerber.
3038 Delaney.
3104 Flynn.
3107 Arbor.
3110 Disteldorf.
3118 Wright.
3120 Kelleher.
3121 Jones.

3123 Scott.
3140 Appleton.
3145 Liester.
3146 Donohue.
3152 Andrews.
3161 Kline.
3153 Klueber.
3166 Brennan.
3173 Sugo.
3583 McDonald.
3794 Tenny.
3795 Van Allstyne.
3844 Engle.
3880 McDonald.
3900 Wall.
3928 Smith.
3950 Robetor.
4022 Nebens.
4023 Brennan.
4024 Coyne.
4039 Cain.
4059 Drew.
4063 Pierson.
4099 Mallory.
4139 Schmidt.
4122 Gilmon.
4166 Adams.
4333 Lafler.

(Copy.)

At a meeting of the board of managers held at the reformatory May 17, 1892,

Present.—Managers W. C. Wey, M. H. Arnot, W. H. Peters, B. L. Swartwood.

On motion of Manager Arnot, it was unanimously resolved, That the general superintendent be directed to transfer the following prisoners to Auburn State prison:

3200 Finn.
3206 Green.
3280 Platt.
3287 Myerson.
3308 Smith.
3313 Comiskey.
3340 Hirschberg.
3350 Ide.
3355 Hare.

3359 Taylor.
3507 Travis.
3518 Walker.
3532 Moore.
3582 Resek.
3619 Keenan.
3622 Herrman.
3624 Van Valkenburgh.
3690 Garrigan.
3707 Kulp.
3792 Dennett.
3807 Patton.
3821 Pickett.
3846 Grant.
3848 Myers.
3888 Goodwin.
3913 Wiley.
3997 Baumgarten.
4078 McCarthy.
4170 Ryan.
4176 Doblin.
4279 Gross.
4300 Ward.
4305 Sanders.
4342 Menges.
4355 Lawlor.
4372 Cavanaugh.
4393 Murphy.
4408 Giblin.
4409 Kennedy.
4455 Blake.
4492 Brown.
4500 Farley.
4532 Vincent.
4625 St. Clair.
4633 Ackert.
4667 Williams.
4672 Simmons.
4804 Mead.
4904 Davis.
5035 Wilbert.

(Copy.)

At a meeting of the board of managers of the New York State Reformatory held at the Chemung Canal Bank on June 8, 1892, at 12 o'clock, noon,

Present.—W. C. Wey, M. H. Arnot, James B. Rathbone, managers.

It was unanimously resolved, That the general superintendent be directed to transfer the following prisoners to Clinton State prison:

1832 Cook.
1976 Ruben
2745 Rice.
2756 Roseman.
2759 Mulvaney.
2898 McCabe.
2917 Watson.
2920 Hirsch.
3189 Farrell.
3232 Grodner.
3237 Cook.
3263 Mulligan.
3269 Fischell.
3272 Crapo.
3282 Henderson.
3316 Foley.
3360 Hines.
3370 Bellinger.
3430 Hoff.
3432 Brown.
3456 Tager.
3457 Morris.
3469 Cox.
3473 McEvoy.
3479 Mitchell,
3482 Van Schaack.
3496 Colson.
3571 Lazarus.
3611 McCarthy.
3637 Housman.
3677 Thomas(
3699 King.
3796 Van Alstyne.
3834 Hill.
3842 Clark.
3855 Ripp.
3858 Freese.
3898 Buckley.
3990 Sherman.
4029 Ennis.

3992 Smith.
4031 Miller.
4044 Smith.
4047 Potter.
4061 Brown.
4093 Brady.
4235 Socia.
4425 Kingham.
4460 Lynch.
5032 Stanley.

(Copy.)

At a meeting of the board of managers held at the reformatory July 15, 1892,

Present.—Managers W. C. Wey, M. H. Arnot, James B. Rathbone, W. H. Peters, B. L. Swartwood.

On motion of Manager Rathbone, it is ordered, That the following fifty inmates be by the general superintendent transferred to the Clinton State prison:

3218 Hogan.
3292 Stanton.
3382 Duffy.
3505 Brady.
3564 Killip.
3733 Deeston.
3745 Werner.
3761 Rosensteel.
3791 Costello.
4045 Siegfried.
4111 Miller.
4137 Ellis.
4151 Morton.
4155 Hogg.
4233 Zelia.
4234 Helmer.
4249 Lippman.
4336 Ryan
4410 Bishop.
4426 Fay.
4440 Shea.
4445 Polonsky.
4450 O'Connor.
4451 Merritt.
4453 Rafferty.
4472 Minnehan.
4482 Victory.

4547 Brown.
4566 Wogan.
4568 Curtis.
4621 Parker.
4624 Ludlow.
4637 Jackson.
4676 Duffy.
4698 La Blanche.
4791 Clark.
4818 Koddy.
4848 Coary.
4870 Eberhard.
4947 Reilly.
4948 O'Young.
4993 Nedes.
5001 Newman.
5008 Brown.
5094 Burnash.
5123 Hedger.
5137 Eagan.
5178 Quinn.
5268. Hesse.
4851 Green.

(Copy.)

At a meeting of the board of managers held at the reformatory January 13, 1893,

Present.—Managers W. C. Wey, M. H. Arnot, W. H. Peters, James B. Rathbone.

On motion of Mr. Rathbone:

Resolved, That the general superintendent be directed, with the consent of the Superintendent of Prisons, to transfer the following named fifty prisoners to Auburn State prison:

2941 Valentine.
3347 Thayer.
3004 Crumby.
3361 Trudell.
3364 Hall.
3384 Harney.
3439 Walsh.
3465 Newton.
3557 Eggleston.
3559 Geoghegan.
3576 Kearse.
3584 Witzman.
3585 Boyd.

3615 Niver.
3636 Burr.
3679 Schmidt.
3715 Raynor.
3729 Flynn.
3743 Kelso.
3737 Starr.
3755 Downey.
3868 Rice.
3920 Stanley.
4062 Langer.
4067 Hanning.
4107 Nicholson.
4146 Whitman.
4163 Colbert.
4191 Donovan.
4268 Walters.
4273 Christian.
4286 Wilson.
4290 Clark.
4340 Maas.
4357 Oliver.
4364 Burke.
4390 Casey.
4400 Cook.
4417 O'Donnell.
4424 Dougherty.
4433 Schaeffer.
4473 Finkbeiner.
4510 Sullivan.
4523 Mullen.
4615 Hudis.
4945 Leddy.
4952 Edd.
4954 Facey.
5398 Simmons.
5707 Buckley.

(Copy.)

At a meeting of the board of managers, held at the Chemung Canal Bank, March 1, at 12, noon,

Present.—Managers W. C. Wey, M. H. Arnot, James B. Rathbone, B. L. Swartwood.

On motion of Manager Arnot:

Resolved, Permission having been obtained from the Superintendent of State Prisons, the general superintendent is hereby

directed to transfer to the Auburn State prison, in accordance with chapter 711, Laws of 1887, the following named inmates:

3293 Proctor.
3411 Lynch.
3459 Walpert.
3468 Edwards.
3960 Lebrecht.
4012 Gilbert.
4250 Ward.
4270 Higgins.
4272 McDermott.
4320 Richardson.
4379 Shaw.
4452 Boylan.
4461 Brown.
4497 Swin.
4525 Goodwin.
4526 Hill.
4536 Metzel.
4567 Tucker.
4574 Miller.
4628 Duggan.
4642 Nadeau.
4750 Bushke.
4770 Walters.
4780 Morgan.
4808 Summers.
4846 Collins.
4855 Ryan.
4879 Velson.
4895 O'Brien.
4927 Fischer.
4929 McMahon.
5051 Shelton.
5060 Murray.
5063 Dunn.
5076 Carver.
5080 Conway.
5096 King.
5099 Johnson.
5110 Brooker.
5194 Fitzgerald.
5203 Haney.
5256 Warren.
5281 Mack.

5347 Brady.
5377 Jones.
5431 Ringler.
5476 Cromie.
5556 Fuller.
5559 Wallace.
5581 Wierski.

(Copy.)

At a meeting of the board of managers, held at the Chemung Canal Bank, August 7, 1893,

Present.—Managers W. C. Wey, James B. Rathbone, W. H. Peters.

On motion of Manager Rathbone, the general superintendent was directed to transfer to the Auburn State prison the following named prisoners:

4041 Clifford.
4087 Porr.
4222 Meehan.
4285 Ruger.
4543 Bennett.
4654 Aiken.
4686 Reynolds.
4894 Hamilton.
4919 Warren.
4943 Farewell.
4960 Lillie.
5045 Johnson.
5216 Theall.
5245 Bickerton.
5522 Fields.
5546 Savercool.
5611 Toohey.
5628 Reardon.
5688 O'Toole.
5727 Gregory.
5756 Pelkey.
5892 Lynch.
5893 Smith.
5999 Mayette.

(Copy.)

At ameeting of the board of managers held at the reformatory August 15, 1893,

Present.—Managers W. C. Wey, J. B. Rathbone, W. H. Peters, B. L. Swartwood.

On motion of Manager Peters:

Resolved, That consent having been obtained from the Superintendent of State Prisons, and in accordance with the provisions of chapter 711, section 11, Laws of 1887, the general superintendent is hereby directed to transfer to the Auburn State prison the following named prisoners:

2588 Jones.
2622 Flaherty.
4693 Sullivan.
4794 Herboldt.
4821 McKeever.
5142 Hill.
5397 Engles.
5457 Dimentro.
5639 King.
5642 Straits.
5646 Woods.
5737 Simonson.
5769 Hennessey.
6024 McTaig.

(Copy.)

At a meeting of the board of managers held at the reformatory September 9, 1893,

Present.—Managers William C. Wey, W. H. Peters, James B. Rathbone.

The general superintendent reported that he had, pursuant to the written consent of the managers as individual members, under date of September sixth, which action is now, at this meet- of the board formally confirmed, transfer as directed by the managers the following named prisoners to the Auburn State prison:

3625 Bloom.
3929 Murch.
4768 McCormack.
4820 Williams.
5682 Flanagan.
5233 Smith.
5486 Carney.
5610 Waters.
6001 Scott.
5429 Creighton.

Dr. William C. Wey, being duly sworn, testified:

Examined by Judge Gilbert:

Q. Where do you reside? A. In the city of Elmira.

Q. What is your profession? A. Physician and surgeon.

Q. Where did you graduate? A. From the Albany Medical College.

Q. In what year? A. Eighteen hundred and forty-nine.

Q. Have you been continuously practicing from that time down to the present? A. I have.

Q. Have you at any time been president of the State Medical Society? A. I have; one term.

Q. Have you been connected with the Elmira reformatory? A. I have.

Q. I what capacity? A. As a manager from its organization in 1876 to the present time.

Q. Continuously from 1876 to the present time? A. Yes, sir.

Q. Have you been the president of the board of managers? A. I have and am yet.

Q. For what length of time? A. I think about eight years.

Q. How often does the board of managers meet at the reformatory? A. We have a meeting monthly for the auditing of accounts, and four times a year under what is called the parole board for the parole of inmates and oftentimes special meetings.

Q. Once a month for the purpose of auditing accounts? A. Yes, sir.

Q. Once every three months for the purpose of hearing complaints, etc.? A. The parole board at which meeting complaints are heard by the managers.

Q. Then you have special meetings besides? A. Yes, sir.

Q. Called by whom usually? A. They are called by the superintendent or by the president.

Q. At these parole meetings what opportunity, if any, is given to the inmate to present their complaints, petitions or communications? A. Unlimited opportunity; notice is given them before; they understand that in accordance with rule or custom that any inmate of the reformatory can have access to the managers at a parole meeting or at any meeting of the board, not confined to parole meetings, but any meeting.

Q. They have that liberty so far as the meetings of the board are concerned; what opportunity, if any, is given them to communicate with individual members of the board? A. Individual members of the board have access to them at any time.

Q. There is no rule or regulation that prevents any single member of the board from calling for any particular inmate or communicating with any particular inmate? A. Not at all.

Q. Or seeing him at any time or place they desire? A. Not at all; repeatedly inmates have been called out from the interior at meetings of the board at the suggestion of an individual manager for some purpose connected with his confinement or release, or advancement or some other cause.

Q. Is it true that a general opportunity is given to any inmate or all of the inmates at any time they desire to see any particular member of the board, or to see the board with reference to the matter connected with their confinement? A. That is the fact.

Q. Do you know of any instance where an opportunity of that kind has been refused to any inmate? A. Never heard of such a thing.

Q. Have you any time ever refused to see an inmate when he has requested to see you? A. Never.

Q. Or to present his case before the board when you have been requested to do so? A. I have always done so.

Q. Will you in your own way describe the manner of procedure at your parole meetings with reference to the applications for parole? A. There is a list made of them, numerical list in the hands of the general superintendent corresponding with papers lying on the table, giving an account of the man's name, age, place and time of conviction, his offense, period in the reformatory, his his grade, his position in the school, his maximum under the old law and so on, perhaps that includes pretty much the whole of it.

Q. Those are all matters that are taken into consideration? A. And in connection with that is a biographical history of the man in the large books kept for that purpose, which are, from time to time referred to.

Q. All those matters are taken into consideration when you are deliberating upon his particular case? A. Every paper is examined and those particulars are looked into at the time.

Q. Can you give any idea of the average number of applicants that apply for parole at these meetings? A. I think at the last meeting there were nearly 200 applied.

Q. How long do those meetings continue or last? A. Four, six or eight hours; sometimes longer.

Q. Do you think you could make a reasonably careful examination of the records relating to 200 applicants at one meeting? A. Yes, sir; easily, as it is systematized.

Q. It is so systematized that the matter relating to any particular inmate may be very speedily examined? A. Unless there is some particular thing which calls for a minuter examination of the biographical register.

Q. These inmates, as I understand you, appear in person? A. Every one, as his number is called; his name is then announced.

Q. Where are these meetings usually held? A. In an office in the rear of the center building; business office; private office.

Q. Do you know whether it is in the same office or room in which Mr. Brockway receives the inmates and examines them when they enter the institution? A. It is.

Q. The room back of the clerk's desk? A. Yes, sir.

Q. The board meetings are held there? A. They are held there for that purpose; parole board meetings.

Q. It is a room so located that the inmates may conveniently be brought before the board? A. They can be and they are.

Q. In those personal interviews, communications, etc., held upon these occasions with the inmates, what complaints, if any, have you ever heard any of the inmates make against Mr. Brockway's treatment, or in reference to his treatment? A I don't know that I have ever heard any of those men make complaint, but after examining into all of those cases we hear what I call the malcontents, or as they are sometimes termed the bummers, those who have complaints to make, they come after.

Q. So far as the applicants for parole are concerned I understand you to say you never heard any of those make any complaint against the superintendent because of any ill treatment they had received from him? A. I have never heard such complaint.

Q. There is another class you saw that may appear before you at those meetings which you style malcontents? A. Yes.

Q. What in reference to those? A. They make complaint; they want to get short time, perhaps, they make complaint with regard to the task they may have may be in the foundry or elsewhere; they make complaints sometimes in regard to the school; they sometimes make complaints on a variety of subjects; usually the complaints are trivial.

Q. Which generally relate to the severity of their treatment? A. I don't say the severity of their treatment; they don't like, for instance, their work.

Q. Severity of the discipline? A. No; I don't think that term applies, if you will excuse me; they don't like — if a man has been brought in the reformatory, by reason of his physical condition, strength, and so on, he is put in the foundry, a man who has not worked before, he complains of the work, his inability to do it, he wants an easier place, for instance.

Q. As I understand it, all these various requirements, both relating to the education of the inmate, relating to his work or trade, etc., and relating to his military drill, are all matters which are adopted by the board of managers and by the superintendent

for the purpose of properly disciplining or improving the inmate to the end that he may reach a condition where it is safe and proper to turn him again loose upon the community? A. That is correct.

Q. What I meant by my question was to include those matters when I said relating to discipline? A. Yes, sir.

Q. In reference to all those matters, or in reference to any one of them, do you remember any instance where the inmate complained that the superintendent himself was too rigorous or had in any manner been too severe with them? A. They sometimes complain of their tasks.

Q. I mean in reference to specific complaints made against the superintendent himself, because of these matters? A. I never heard of but one complaint of that sort; I recall but one.

Q. About how many complaints of that character in the aggregate have you ever heard in reference to task? A. They come up at every meeting of the parole board.

Q. About how many at a meeting? A. I think at the last meeting there were seventeen to twenty, and the meetings preceding that immediately following this investigation I think there were eighty.

Q. In all those instances you can't call to mind but one where the complaint was made against the superintendent himself? A. I don't perhaps understand the scope of your question; if you speak in regard to any severity, or harshness, or cruelty.

Q. That is what I mean? A. I never heard but one instance of that sort that came before the board.

Q. What was that one? A. That was a negro who claimed he had been in the bath-room and struck by the paddle over the eye, on the right side of the head.

Q. He was before the board? A. Yes, sir.

Q. Did you investigate the case? A. Yes, sir.

Q. At the time? A. Yes, sir; we made inquiry into it.

Q. Did you inquire into the particulars at that time? A. Yes, sir.

Q. Call before you inmates? A. No, sir; we made the inquiry of the superintendent in regard to it.

Q. Simply inquired of the superintendent? A. Yes, sir.

Q. He stated the particulars to you, as he claimed? A. Yes.

Q. Did the inmate also state the particulars to you as he claimed them? A. To a certain extent.

Q. You passed upon the matter presented in that manner? A. Yes.

Q. What was the conclusion you arrived at? A. That he was properly dealt with.

Q. Do you recollect the particulars now? A. I recollect the man resisted the physical treatment, and was a little roughly handled; that is all I remember particularly about it.

Q. Were the particulars given with reference to the manner in which he resisted, the extent to which he resisted? A. Why, they were.

Q. Were there any evidences upon the prisoner indicating he had been severely punished? A. His face was a little swollen.

Q. Any abrasions? A. Not at all.

Q. Or marks or scars upon him? A. No, sir; his eye wasn't even closed; punishment had been inflicted or discipline a short time before.

Q. Do you remember how many days before? A. I do not; it was recent.

Q. A short time before? A. Yes, sir.

Q. Was this complaint made at the first meeting that you held after the affair? A. I think it was; I think it was the October meeting.

Q. At one of your regular meetings? A. One of the regular parole meetings.

By Mr. Litchfield:

Q. Have you given the name of that man? A. I think his name was Johnson.

Q. His consecutive number? A. I don't know that.

By Judge Gilbert:

Q. He was a colored man? A. Yes.

Q. By the name of Johnson? A. I think that was the name; a burly fellow.

Q. Do you know what he was taken to the bath-room to receive physical treatment for? A No, sir.

Q. Did you learn at the time? A. Very likely, but I don't recall it.

Q. Wasn't it for an assault upon Colonel Bryan? A I could not say.

Q. I understood you to state positively that is the only complaint that was ever made to you by any inmate against Mr. Brockway? A. That is the only complaint in all my experience there, the only one that ever came to my notice.

Q. Did the superintendent ever, upon any occasion, strike an inmate in the presence of yourself? A. Never.

Q. Either while you were sitting as a member of the board of managers or upon any other occasions? A. Never upon any occasion.

Q. Did ever any inmate come before your board and complain that he had received a blow over his head given by the superintendent? A. No instance except this of Johnson that I speak of.

Q. No instance where an inmate claimed that he had been struck over the head with a strap? A Never heard of such a thing.

Q. In the hands of the superintendent? A. No, sir.

Q. Did any inmate ever come before you with the exception of this man Johnson and exhibit to you his head, showing that there were bruises upon it caused by severe punishment which he claimed he had received? A. Never.

Q. Can you state about when it was that corporal punishment with the strap was first introduced in the reformatory? A. I think previous to the legislative investigation of 1882 or 1883 there had been a few instances of that kind but after that they began to multiply.

Q. The punishments increased as the population increased? A. They did.

Q. Do you know whether there is a greater per cent of punishments now than there was in 1883 and 1884? A. Oh, yes; the population is two and one-half times as much.

Q. In 1883 there were 500 inmates and you say the punishments were five per cent; now in 1893, we will say there are 1,500 and the punishments would be, if there was no increase in punishment would be still five per cent? A. I don't recall the percentage of punishments.

Q. From 1882 down to the present time as you understand it corporal punishment by the use of the strap has been in vogue continuously? A. Yes, sir.

Q. And with the full knowledge of the board of managers? A. Full knowledge and approval.

Q. With their approval? A. Yes, sir.

Q. Have you at different times, in your board meetings, discussed the methods adopted by the superintendent in administering this punishment? A. We have.

Q. Has that been a matter of repeated or frequent discussion? A. Very often discussed.

Q. So that this method of discipline has been, as I understand you to say with the entire approval of the board? A. The matter has been fully discussed and the board have sanctioned, I may say authorized, that method of discipline.

Q. Authorized it by formal resolution? A. No; I think nothing in regard to that matter has ever gone upon the secretary's record.

Q. Nothing showing direction by the board to the superintendent has ever gone upon the records of the board? A. No, sir.

Q. Have you any rule or regulation fixing the stated times when you as a board would go through the institution and examine it? A. No stated time; we have often gone through; our meetings were every month and if the business meetings were quickly concluded we would make a survey of the premises.

Q. Go through the various departments? A. Yes, sir.

Q. And pass along through the cells where the men were in confinement and not at work? A. Yes, sir.

Q. Frequently converse with the men? A. We have; yes, sir.

Q. Saw them at their various employments? A. We have and have done that individually.

Q. That is done frequently both by you as a member of the board and also as an individual? A. Individually and collectively.

Q. Upon these occasions did the men understand they had full opportunity to communicate with you if they desired to? A. Yes, sir.

Q. Or any member of the board? A. Certainly they did, always.

Q. Have you at different times attended the lectures that have been given in the reformatory? A. I have.

Q. Seen the men upon those occasions? A. I have.

Q. And conversed with them? A. I have.

Q. And they with you freely? A. Yes, sir.

Q. Have you ever at any time been present when they were engaged in military drills? A. Often.

Q. And seeing the men pass to and fro? A. I have.

Q. Seen the men while in school? A. Yes, sir.

Q. Have a day school? A. I don't know in regard to that.

Q. The schools you refer to are the evening schools? A. Yes, sir.

Q. You have seen the men while in their classes? A. Yes, sir.

Q. You have seen them while engaged in the trade classes? A. I have.

Q. And seen them in all the different departments? A. I think I have seen them in every portion.

Q. In the physical culture department? A. Yes, sir; every portion of the institution, I think.

Q. You have as president of the board taken a great deal of interest in the welfare of the institution as well as the welfare of the inmates? A. I have been very much interested in the matter.

Q. And given the matter special attention? A. I have.

Q. Officially and personally? A. Devoted a good deal of time to it.

Q. Have you ever upon any of these occasions, or at any of these interviews or communications with the inmates has any complaint ever been made to you by any inmate in relation to

the manner in which he was treated by the superintendent? A. That question is a general one if you refer now to physical treatment; in the parole meetings men have come before us making complaints in regard to their work.

Q. I will modify it with reference to the severity of the physical treatment which they had received from the superintendent? A. I never heard of an inmate refer to that except in the case of Johnson.

Q. Have you during your professional experience treated numerous cases where individuals have been wounded and received bruises and contusions, etc.? A. Certainly.

Q. Great many cases? A Yes, sir.

Q. What have you to say with reference to the flesh of some being more susceptible; that would show the effect of a slight blow when the flesh of others would not show any mark from the same blow? A. I think that is a well known, recognized fact in medical science, that a very slight contusion with one person will produce a discolored spot, black and blue spot, or as we term it ecchymosis and a severer blow on another not produce any effect; I have in making the skin tense on the arm in the process of vaccination been followed by decided and quite extensive discoloration, and found on my own body, on my legs discolored spots which have occurred in getting in and out of my buggy or in some other way that I had entirely forgotten; I think that is a well known fact.

Q. Isn't it the fact that the flesh of an elderly person is more liable to become discolored by reason of a slight blow than the flesh of a young person? A. If he is susceptible in the way I have mentioned.

Q. You think age is not a factor in that? A. I don't recall age is a factor in that.

Q. Is the fact that a person has a black and blue bruise upon him any sure indication of the severity of the blow that caused it? A. Not at all.

Q. Or the degree of violence used? A. Not at all; on one occasion I spatted a child, one of my own children, in a very moderate way, and was amazed to have my wife, the next morning, exhibit that child in a condition if I was taken before a public magistrate would have caused my conviction, I am sure, before an intelligent jury.

Q. May not the condition of your own mind have been such you were not aware of the force of the blow? A. Not at all; I think all boys that had any little matter between themselves in the way of sparring and the like must remember a very slight contusion has produced black and blue spot; takes but a little

thing to make a black eye; it is a big thing in appearance but very slight really.

Q. Have you ever upon any occasion when you were making the rounds through the reformatory see any inmates with bruises upon their faces or heads indicating they had received a blow from any source? A. I don't recall them; they may have received blows in their work in one way or another; I don't recall that.

Q. What have you to say as to the susceptibility of some people to their nose bleeding in comparison with others? A. Some people's noses are always on tap; very slight blow; others are tapped with difficulty.

Q. The fact that an inmate's nose bled after receiving a tap across the face wouldn't be then a sure illustration of the severity of the blow given? A. Wouldn't be an indication of violence at all in my judgment; violence, I suppose, is a relative term.

Q. It would be no indication of the degred of violence that had been used? A. Not at all.

Q. I am requested to ask you whether you have investigated, to some extent, the inmate monitor system as adopted in the reformatory, and if you have become somewhat familiar with the workings of that system? A. Yes, sir; enough to be satisfied with its efficacy and success.

Q. I am requested to ask you to give your reasons why you approve of it? A. Because the men are familiar with everything connected with the institution and are better qualified to serve in that capacity, I believe, than men from the outside.

Q. More familiar with the rules? A. Yes; and men are put in those positions because they are to be trusted; have been tested the test has been made in that institution by reason of their worth and their advancement; whereas, a citizen monitor is to be trusted from what he accomplishes in the course of his experience.

Q. I am requested to ask you if you have investigated and are familiar with the transfer system that is adopted under the law? A. Yes, sir.

Q. Transferring inmates from the reformatory to State prison? A. I am.

Q. You, as president o the board, preside at the meetings when those transfers are directed? A. I do.

Q. What have you to say in reference to that? A. The superintendent produces the names of the men to be transferred with very much such a biographical list as is furnished in the matter of parole; the name, age, time and place of conviction and so on the fact of having been previously imprisoned, his progress at the reformatory and the offense or offenses which have led to his

transfer, his incorrigibility, his not being amenable to the system in vogue there or any other circumstances that in the judgment of the general superintendent and of the board would warrant his transfer to a prison; being a person whose presence in the reformatory might be dangerous or inimical to the system, injurious to others, hindering their advancement, positively hurtful, and men upon whom the reformatory system, perhaps, could work no good; that in general covers that subject, I think, and every case has been investigated in that way by the history of the man and those cases have been passed upon by the board after all that has been furnished.

Q. Do you mean to say in every instance the facts, the records, everything relating to the inmate that is to be transferred, are examined into and inquired into and passed upon by the board before the transfer occurred? A. This evidence that I furnished in regard to the history of the man has in every instance been given to the board.

Q. Has it been given to the board before the transfer was made? A. Yes, sir.

Q. And before any order or authority was given by the board permitting the transfer? A. Yes, sir; in every case.

Q. Upon these occasions when you have been going through the reformatory visiting its various departments and particularly when in the presence of the inmates with the superintendent what have you observed with reference to his intercourse with the men? A. It has been free and unrestrained and entirely familiar and kindly.

Q. What have you observed with reference to the freedom and the frequency of the inmates approaching and addressing the superintendent? A. As a matter of course, it goes without saying, they have been very free to approach him and have done so constantly to communicate with him.

Q. Have you ever upon any of these occasions seen anything in Mr. Brockway's manner indicating ill temper or ill feeling? A. I never saw him betray any such condition in the presence of the inmates.

Q. Did you ever hear him reprimand the inmates? A. No, sir; not reprimand them; that is also a pretty wide term; no; I think I can say positively I never heard him reprimand an inmate.

Q. You do say positively you never saw him at any time exhibit ill feeling or ill temper toward any inmate? A. No, sir.

Q. Anywhere? A. No, sir.

Q. Did you ever know him to use abusive or profane language to an inmate? A. I never did.

Q. Did you ever hear him use profane language anywhere? A. No, sir; I don't think Mr. Brockway is a profane man at all; I think he is very far from it.

Q. You have known him intimately ever since the reformatory opened? A. Since the opening of the reformatory in 1876.

Q. Have not only seen him at the meetings of the boards and upon these various occasions that you have referred to when you were at the reformatory going through the departments, but you have seen him at other times? A. Socially, on a great variety of occasions.

Q. You have never seen or heard anything indicating he is a profane man? A. No, sir; or a passionate man; I can on the contrary state he is not, he has never been in my presence a profane or passionate man.

Q. I am requested to ask you, during the entire ten years that the method of corporal punishment adopted by the superintendent has been in vogue, has it been with the entire approval or approbation of the board of managers? A. Entire approval, sanction and approbation of the managers, and has been, as I said before, very often discussed and commented upon, the whole history of the affair gone into; individual punishments as well as the general number.

Q. As I understand it, the board of managers serve without compensation? A. Yes; it is entirely gratuitous service.

Q. Do you know of any occasion when the board of managers were present during the administering of the corporal punishment? A. I have never witnessed it.

Q. So far as your own knowledge goes you know nothing about the bearing of the superintendent towards an inmate upon those occasions? A. Not from individual experience.

Q. Nor from your own knowledge, do you know anything about the severity or extent of the punishment inflicted? A. I have heard Mr Brockway often describe that; individually, from my personal knowledge; no, sir.

Q. Do you know of any other member of the board that has ever been present? A. I don't believe any member of the present board or any past board has ever witnessed that operation.

Q. Do you know whether any member of your board has ever given any specific direction with reference to the infliction of this kind of punishment upon any inmate? A. No; it has been left entirely to the discretion of the general superintendent.

Q. Both with reference to the occasion when the inmate should be punished and with reference to the severity of the punishment? A. In reference to the entire matter.

Q. He was to be the judge whether corporal punishment was merited or not? A. And its time and frequency.

Q. The time when it should be inflicted and the manner in which it should be inflicted, the extent to which it should be inflicted? A. All left to his discretion; we had entire confidence in him.

Q. Were you aware of the fact that during the last five years corporal punishments have been administered by the superintendent upon the inmates to between 2,500 and 2,600 times? A. I wasn't aware of the number until I heard it repeated a little while ago here.

Q. Do you think any member of the board is aware of that? A. They may have been.

Q. There is nothing that has occurred, nothing has been said, nothing that has been discussed by or before the board from which it was understood or could have been known or learned that punishments to that extent were being inflicted? A. We knew physical treatment of that sort was going on all the time; the number of statistics in regard to that I had never seen.

Q. Were you aware of the fact that during the five years, according to Mr. Hoppe's estimate, something like over 15,000 blows had been inflicted by the superintendent? A. I can readily imagine that; I was not aware of the number of stripes.

Q. I take it from what you have stated here that yourself, and, in fact, every member of the board from the outset down to the present time, have had entire confidence in the superintendent, Mr. Brockway? A. We have had and still have.

Q. And have left the management of the reformatory almost entirely to him? A. The internal economy and all connected with the whole scheme was his inception or conception, and has been carried out and developed by and through him.

Q. So that, in fact, the whole reformatory method, as adopted and in vogue in the Elmira reformatory, is substantially his reformatory system? A. His creation and execution.

Q. As to whether it is proper or improper, as to whether it is just or unjust, the whole matter has been left largely, if not almost entirely, to his judgment? A. His great experience and knowledge on the subject, and I may say his genius in that direction, has given us the utmost confidence in his ability to deal with this whole subject.

Q. Have you ever, in connection with your profession, practised surgery? A. Yes, sir.

Q. You were in charge, I understand, of the hospitals in Elmira during the war? A. I established those hospitals and conducted them for three years and a half.

Q. So you had large experience? A. I had thousands of men under my charge.

Q. You amputated a great many limbs and performed a great many surgical operations? A. Yes, sir.

Q. Do you think, at the close of your experience in the practice of your profession as a surgeon, that you look upon the amputation of a limb, or surgical operation, with the same feeling, the same idea, etc., that you did the first operation? A. Yes, sir; I always regret anything of that kind, which leads to the mutilation of the body; it has to be done.

Q. Do you think you had as great a hesitation, as great degree of sympathy, for the sufferer as you had in the first place? A. I don't know that I had any trepidation in the very early part of my experience in that respect, and I certainly don't feel any now.

Q. Whether or not during the first few operations that you performed, whether or not you had that same kind of sympathy that is common to us all? A. I discarded all sympathy in a work of that kind and did it as a matter of duty.

Q. You don't think you are any more calloused in reference to that? A. I think my heart is as large and beneficent as it was in the early days of my experience.

Q. And as tender? A. Just as tender.

Q. You think an experience of that kind makes no difference? A. I don't think it callouses a man of proper calibre.

Q. It is your impression that, take, for instance, in the case of a man administering corporal punishment, that it would not have the effect upon him to harden him? A. I think, in the line of duty, it would have no such hardening effect, if it is done as a matter of duty, in connection with the administration of a great system, and not done through vindictiveness or any such sentiment.

Q. Do you think, as a general thing, it would not result in causing the one who inflicted the punishment to become calloused and indifferent? A. No; we must take into consideration the character of the man, if you refer now —

Q. (Interrupting.) I am not referring to any one; I am speaking generally; what is your idea as to the general fact; do you mean to say men generally can resort to a course of harsh and cruel treatment towards others and that, no matter how long they may continue in that course, they will not become calloused and hardened? A. If you say harsh and cruel treatment, that would show a perverse spirit at the beginning, and the men would experience gratification in the evidence of suffering.

Q. Can there be such a thing as punishment without being something, to a greater or less extent, severe about it? A. That

is a relative degree also; there are all degrees of punishment, from violent punishment down to punishment that is very mild.

Q. Do you think that it is possible for any person to adopt any line of punishment or conduct that is intended to operate as a punishment, to operate as a restraint upon another, without being calloused with reference to that where he has followed it year after year and perhaps in thousands instances? A. I do think so.

Q. Do you think he would look upon the whole matter — that he wouldn't look upon the matter differently from what a man would who had never seen such a transaction or been engaged in such a transaction? A. A father inflicting punishment on the child does it as a matter of necessity and through tears he suffers more than the person who receives the infliction.

Q. You are not answering my question; I want to know if, in your opinion, from your experience of what you know of human nature and so on, do you mean to say no matter how long a man may pursue a certain line of conduct harsh toward another, conduct calculated to restrain him and control him, that he will look upon that conduct precisely the same, after being engaged in it year after year, that he did at the start? A. I think he may.

Q. What do you think the probabilities are that he would? A. I think if he is a strong-minded man, a man of intelligence, a man of character—

Q. (Interrupting.) There may be instances of that kind? A. I presume a hangman likes to hang a man; the hangman at the old Bailey delights in the operation.

Q. Isn't it true, so far as a surgeon is concerned, particularly those connected with the army, after they had amputated hundreds and thousands of limbs, they rather like the operation? A. No, sir; I don't think that; I think as a matter of duty they would be required to do it and it would be expected of them.

Q. Don't you believe it is true in cases where they had performed the operation so often they came to the conclusion amputation was necessary; by a man who hadn't been engaged in amputating limbs so frequently they would come to the conclusion amputation was not necessary? A. Having done it a great many times and having shown great skill they were proud of the success of their work, no doubt.

Q. And ready to grasp an opportunity where they could become more familiar with the art? A. They probably wouldn't turn their backs upon it.

Q. May it not be so, too, in case of administering corporal punishment that the man who was performing the operation wouldn't turn his back upon the opportunity? A. Not if it was his duty he would not; he wouldn't seek it.

Q. Did you read the evidence before the legislative investigating committees in 1882? A. Yes, sir.

Q. Did you read Mr. Brockway's evidence? A. Very likely I did.

Q. The statement which Mr. Brockway made upon that investigation, namely, that he didn't approve of corporal punishment for the reason that it had a tendency to brutalize the man who inflicted it; you don't agree with that? A. That the infliction of corporal punishment has a tendency to brutalize the person who receives it?

Q. Brutalize the man who inflicts it? A. I don't agree with that sentiment.

Q. You think he is mistaken? A. I don't know he ever made any such statement.

Q. If he did make such a statement? A. I don't criticize his statement but that is not my sentiment.

Q. Were you present at that investigation? A. I think I was.

Q. Were you present when the superintendent gave his evidence? A. Very likely; I don't recall it.

Q. Do you remember that upon that investigation the superintendent stated that down to the year 1882 there had only been about ten cases where the inmates had been punished with the strap? A. Yes, sir; I remember that fact.

Q. Remember his making that statement? A. Yes, sir; the statement was made by him; whether I heard him make it or not, I do not recall.

Q. While upon this question of corporal punishment and the manner of inflicting it see if you recollect this question; "In your judgment, is corporal punishment necessary as a part of the discipline of the reformatory? A. Let me answer that a little freely; I never have, for years, have never inflicted corporal punishment without feeling a feeling of humiliation that I was unable to mold the mind of a man without punishing his body." A. I don't recall the individual instance.

Q. "There are some cases probably in about the portion of the men that have been punished here and some more which would be greatly benefited by the application of corporal punishment and we refrain from it because on the other hand there is a reaction if it comes to be known through the establishment, the effect is bad to the officer who inflicts it, and those who witness are apt to be brutalized and injured by it; it is very difficult to take a weapon in your hand and strike a blow without a little feeling in it and that feeling is bad; I only resort to it in extreme cases, etc.?" A. I remember reading that at the time or hearing it at the time.

Q. You don't fully agree with that? A. No; because that sentiment carried out there didn't lead to good results; locking up men and other methods were not as successful as the application of corporal punishment.

Q. I suppose what you mean by results is this; that the supreme desire of the board of management and of the superintendent and the supreme object had in view of adopting the reformatory system is to advance the inmate to that degree in whch he would be entitled to a parole; entitled to his freedom? A. Yes, sir.

Q. What have you to say with reference to the fact that under the treatment or the methods which have been adopted during the last ten years, the advancement is to the first or parole grade in 1892 is only twenty-three and eight-tenths per cent, while in the year 1882 is seventy and one-tenth? A. The larger number of advancements to the higher grade in this last period.

Q. In the first period there are almost three times, more than three times, as many advanced to the first grade in the same period as there were in 1892? A. I am not able to analyze that just now.

Q. I am requested to ask you some questions relating to this parole system and methods; I understood you to say that as high as 200 cases have been passed upon at a session of the board? A. I said nearly; I think there were 170 or thereabouts at the recent meeting; January meeting, 170 or thereabouts paroled; there were a larger number considering some were put back, some rejected.

Q. How many did you consider? A. I think there were about 200 examined and it seems to me about 170 or thereabouts authorized to be paroled.

Q. Do you remember what hour in the day you met? A. Yes; we met at 9 o'clock in the morning promptly.

Q. To what time did your meeting continue? A. Four o'clock in the afternoon.

Q. Did you have any intermission? A. Yes, sir; we had lunch.

Q Of about how long? A. Perhaps an hour.

Q. So that you were in actual session not far from three hours? A Nine to 1, and 2 to 4; that would be six hours.

Q. Do you mean to say your session was continuous during that whole time? A. Yes, sir; except the hour for lunch.

Q. Was your attention given entirely to the consideration of this paroled application? A. It was and to the malcontents.

Q. How many malcontent cases did you consider? A. I think there were seventeen to twenty.

Q. So that the cases were passed over very rapidly? A. Quite rapidly but thoroughly.

Q. Does the board of management parole inmates that the superintendent fails to recommend to parole? A. We have done that but generally the board acts upon his recommendation as his knowledge of the men is intimate and ours is not.

Q. Generally you act upon his suggestion? A. We do.

Q. Do you know about how many cases—can you give any idea in how many cases you have paroled inmates upon your own motion? A. That is not common.

Q. It is almost invariably the rule of the board to adopt the suggestion of the superintendent? A. It is in the main.

Q. So that substantially he is the one that controls that subject? A. He has to do it; that is true; it arises from this very fact, under the superintendent's direction the whole history of the man, his progress in school work has been marked out and made out.

Q. It arises from this fact, that the entire control of the reformatory, the entire control over the methods, etc., are placed in the superintendent, you as a board pay but little attention to it? A. The superintendent is like a great schoolmaster, whose recommendations are regarded.

Q. In reference to that class that you designate as malcontents, bummers, do you mean to say that you never heard any complaint made by those with reference to the manner in which they had been treated by the superintendent? A If you will define a little the word "treatment."

Q. I will use the term discipline? A. Only in respect to their assignment to work, the same as I stated before, I have no qualification to make in regard to that testimony.

Q. Do you investigate their cases, starting out upon the theory that they are bummers, malcontents? A. No; not upon that ground entirely; there may be some justice occasionally in what a man has to say in regard to his condition; that has often occurred; a man says his physical condition does not qualify him to do the work in the foundry; that matter is then referred to the physician to report.

Q. Has there ever been any instance where the question has been submitted to you as a physician? A. I have declined to act in that capacity as a physician.

Q. Has there ever been any instance where the question has been submitted to you as a physician whether or not it is proper to subject a particular inmate to corporal punishment? A. Never heard that question, that question has never been submitted to me as a physician.

Q. You as a physician have been careful not to have anything to do with the medical department relating to the reformatory? A. I have avoided all of that; the question of corporal punishment, my opinion in regard to the fitness of any man to receive physical discipline has never been suggested, but repeated instances have occurred where men have complained of their eyes, not being able to see; those cases have been referred to the physician and have been referred by the physician to specialists to examine.

Q. Do you recollect such instances? A. Yes, sir.

Q. How many? A. Repeatedly; I can't say how many.

Q. Do you recollect any instance where it was claimed the inmate received an injury while being punished? A. I have never heard such complaint.

Q. Is it true that you never at any time, up to the time this investigation commenced, knew there was any complaint made, or fault found in reference to the manner in which inmates were treated in the bath-room? A. Never heard any complaint made in that respect.

Q. And the investigation of the charge that the superintendent was administering this punishment in a cruel manner was a complete surprise to you; no complaints of that kind ever having been made, then the investigation of the charge against Mr. Brockway that he was guilty of cruel treatment or cruel conduct toward an inmate in the bath-room was a surprise to you, you didn't dream of such a thing? A. No; and I don't believe it now.

Q. You didn't even know a complaint had been made against him? A. No; I never heard of such a complaint from any source outside or in.

Q. By letter or otherwise? A. Not at all.

Q. Did you know anything about the contents of the letters that were addressed to the committee by the inmates? A. Not until after this investigation began; not until after this investigation; not until after the investigation had sought complaint.

Q. It was a surprise to you that a large number of the letters addressed to the committee contained complaints against the superintendent? A. Not at all; when that thing was stirred up I think complaints can be brought up in any organization.

Q. Your idea is that these complaints against the superintendent upon the ground that he has been severe and cruel in his treatment of the inmates is an afterthought? A. Entirely so; I think they never would have been suggested but for the stirring up of this question.

Q. And that they are made entirely out of whole cloth? A. I believe they are largely.

Q. There is no foundation for them? A. Largely.

Q. From what you know and think of the matter do you think there is no foundation for them? A. Largely there is no foundation for those complaints.

Q. Even if it is true that he has administered corporal punishment during the last five years between 2,500 and 2,600 times, and has inflicted in connection with those punishments over 15,000 blows, that there has been nothing cruel or harsh in connection with it? A. I don't think there has ever been any teeth knocked out or eye knocked out, or persons knocked down to the floor senseless or kicked.

Q. Do you now believe there never has been anything harsh or cruel in connection with that in their physical treatment? A. I believe the physical treatment has been administered with decided energy at times, because I have heard Mr. Brockway speak of it.

Q. Why did he say it was administered with decided energy? A. Because the individual deserved it.

Q. In what way did he characterize that decided energy? A. That he had administered a certain number of blows with the paddle.

Q. With what force? A. He didn't say with what force.

Q. He must have said something indicating they were given with decided energy? A. I presume he did; I never heard him refer to that.

Q. That he gave about as much force to the blows as he could? A. I never heard him make a remark of that kind; I never heard him refer to any other energy —

Q. (Interrupting.) Do you mean to say that you do not understand what he meant by the term "decided energy?" A. I never heard the superintendent refer to administering it in that way except on one occasion.

Q. What occasion was that? A. I don't remember the individual or the circumstances.

Q. Can't recollect anything about it? A. No; I do not.

Oscar Hoppe, recalled:

Examined by Judge Gilbert:

Q. I am requested by the defense to ask you to explain the statistics that I have referred to, contained in the report of 1882, and the statistics contained in the report of 1892, showing the rate of progress in the grades? A. I desire to state that the comparison of the percentage of men advanced in the upper first grade, as shown by the statement in the report for 1882, that that statement in the report of 1893 it not a fair one, since both are made upon a different basis; the statement for 1882, as shown

there, covers all the inmates who at any one time during that year have been at the reformatory, including those from the first upper first grade that had been paroled.

Q. How is that? A. The statement contained in the report for 1882 includes all the inmates who at any time during that year were at the reformatory, including all those who from the upper first grade had been paroled, while the statement in the report for 1893 covers only the inmates who were present at the reformatory on the 30th of September, 1892.

Q. The table to which I called your attention in 1882 was headed this way: "Statement showing the rate of progress in the grades;" that is correct? A. Yes, sir.

Q. The table that I called your attention to in 1892 is: "Ratio of progress in the grades?" A. Yes, sir.

Q. Now, you say that they are made up upon different bases? A. Yes, sir.

Q. Yet in the reports they purport to represent the same fact? A. They do not.

Q. Why not? A. If you will read on you will find of the present thirteen hundred and odd inmates advanced in the upper grade in the statement for 1892, in the other statement you will find the total number included in that statement is twelve hundred and more, where below it says the present number of prisoners is 500, which was the number of inmates in 1892.

Q. Do you remember that in 1882 the advancement is first six months, then nine months, next twelve months, next eighteen months, next twenty-four months, next thirty-six months, showing that the statistics cover at least thirty-six months prior to the time when those statistics were made; isn't that true? A. It covers all the men.

Q. Doesn't it cover a period of thirty-six months prior to the time those statistics were furnished? A. Of the men that were in the reformatory on the date when that statement was made.

Q. Doesn't it apply to all the men that were in the reformatory for a period of thirty-six months? A. No, sir.

Q. It certainly covers that portion of the men that had been in the reformatory during a period of thirty-six months prior to the time that report was made? A. No, sir; it does not.

Q. It says here, the report covers thirty-six months, six men; that is, six men during the period of thirty-six months have only been able to reach the first grade? A. No, sir; you misconprehend that; six men of the 1,212 has taken thirty-six months.

Q. There are six men in the reformatory that have been in the reformatory thirty-six months before they have reached the first grade? A. That is right.

Q. That is the report of 1882? A. Yes, sir.

Q. On the report of 1892 we have this, after thirty-six months eleven men have been thirty-six months in reaching the first grade? A. That is true.

Q. In that report that relates to 1,364? A. Yes, sir.

Q. In that report of 1892 it relates in the aggregate to 1,213 men? A. That is right.

Q. So that in 1892 by the table I called your attention to, there is almost twice as many men that have been kept in the reformatory thirty-six months before they could reach the first grade, instead of six, as in the report of 1882? A. That is true, but I desire to add an explanation.

Q. Doesn't that hold good all the way through both those reports? A. The population is more than double; the population was 500 in 1882; it is 1,300 in 1892, and if there are eleven cases in 1892 against 500 inmates in 1882, the percentage is not any greater.

Q. Do you mean to say that the statistics, as furnished in 1892 and the statistics furnished in 1882, that either one of them is not reliable? A. They are both reliable, but they are made up upon two different bases.

Q. According to the statement of 1892 this relates to 1,213 inmates? A. It does.

Q. In 1892 it relates to 1,364 inmates? A. That is correct.

Q. The percentage we are calling your attention to relates to that number of inmates? A. That is correct.

Q. And the per cent of that number of inmates in 1882 that advanced to the first grade in six months was thirty-eight and seven-tenths, while in 1892 the per cent of the 1,364 inmates that advanced to the first grade during the six months was only five and one-tenth per cent? A. That is not right; I will have to explain it, if you will permit me, it is very simple; the statement for 1882 took into consideration every inmate who during that year has at any one time been in the reformatory; the statement for 1892 includes only the inmates who were at the reformatory on the 30th of September, 1892; in order to make that comparison of percentage we would have to add to that number of inmates the six or seven hundred who from the upper grade had gone out during the year, been paroled; then you would get comparison of men who had been in the first grade and had reached the first grade.

Q. You say in your report of 1882, we will assume the entire number of inmates which had been in the reformatory up to that time was 1,213; now, the report stated that of that number that

had advanced to the first grade during the first six months was thirty-eight and seven-tenths? A. That is correct.

Q. In 1892 the report under the same head stated, that of the number that was in the reformatory, namely, 1,364, only five and one-tenth per cent of that number advanced to the first grade during the first grade during the first six months? A. That is also correct.

Q. I understand you to say, and the record shows that in 1882, up to that time, the system of punishing inmates with a strap had not been to any great extent adopted? A. No, sir.

Q. I understand from the records that during the five years next preceding 1892, there had been punishments inflicted in the bath-room over 2,500 times; that is true? A. Yes, sir.

Q. I understand that by your own statement, each one of those punishments there is about six and a fraction blows given? A. Yes, sir.

Q. Making during that time over 15,000 blows given by the strap? A. Yes, sir.

Q. Now, do you mean to say, in the face of these statistics, to which I have called your attention, that the severities of the discipline which is adopted has not had a tendency to prevent men from reaching the first grade in the first six months? A. Not at all; your comparison of the two statements is not justifiable; two different statements altogether.

Q. They may be, but as I understand this whole reformatory system, it is adopted for the purpose of advancing the inmate, for the purpose of enabling him to reach a point where he may be safely and properly turned loose upon society; what I want to know is this, whether the rigid discipline, both under the inmate monitor system and the military system and the physical treatment system, whether or not the effect of that has not been to retard generally the progress, the advancement of the inmates from a lower to a higher grade? A. It has not.

Q. You claim further these statistics do not establish that fact? A. I claim the statistics show it and show the average detention of an inmate at the reformatory has not been any greater, not considerable, may be a few weeks different; than it has been ten years ago; the average detention, I think, is about twenty months.

Q. These reports show the average detention of the inmates in the reformatory is now twenty-three per cent — the advancement to higher grades is only twenty-three per cent, while the report of 1882, shows, during the same period, there was over seventy per cent? A. The reports do not show that.

Q. I understand you have presented the statistics relating to the death rate in the reformatory, A. I have.

Q. Those are now a part of the evidence in the case? A. Yes, sir.

Q. You also presented statistics showing the percentage of cases where inmates have become insane? A. Yes, sir.

Q. That is a matter of evidnce? A. Yes, sir.

Q. Have you any further explanation to make with reference to these reports? A. The only additon I desire to make is that the report for 1893 does not include the men who have been paroled and were in the upper first grade; the percentages have an altogether different appearance with relation to each other than if all the first grade men were counted in; the five per cent does not represent the percentage of men who were in the first grade during that year, while in the report for 1882, it includes every man who was in the first grade during the year 1882.

Q. Instead of those who were actually there on the thirtieth of September? A. On the last day of the year.

Q. As was the case of the report of 1892? A. Yes, sir.

Q. Have you any further explanation to make? A. No, sir.

Z. R. Brockway, recalled:

Examination continued by Judge Gilbert:

Q. You made a statement at the early stages of this investigation? A. Yes, sir.

Q. As it was stated to you at the time, that was merely for the purpose of enabling you, if you desired, to give an outline of what you claimed in reference to these matters that had been alleged against you; I am requested to ask you some questions, and give you an opportunity to tate more fully, if you desire to the particulars and facts relating to the matter on your part; how long have you been engaged or connected with prisons or reformatory institutions? A. Forty-five years, with an interval of three years.

Q. Will you, in your own way, give the particulars, with reference to the experience which you have had in connection with such institutions? A. Do you wish me to give you an account of forty-five years of prison life.

Q. In a general way, and particularly with reference to the methods of discipline which have been adopted? A. You want to see the variations and the experiences through which I have passed in the matter of disciplinary application.

Q. Yes, sir? A. Beginning as a young man in the Connecticut State prison, as clerk of that prison, I found in use there with

which I personally had no connection, the cats as a means of discipline, cat of nine tails; I know very little of the disciplinary appliances in the Connecticut prison since that time; that was about 1850 or 1848; somewheres in that vicinity; on going to the Albany penitentiary, of which at that time General Amos Pillsbury was the superintendent, I found corporal punishment in the form of floggings was not in use, but instead thereof shower bath, not the shower bath in use at that time in State prison, which was subsequently prohibited by law, but ordinary shower bath, made of heavy blanket instead of oil cloth, such as men used in those days in their bed-rooms; on the top of it was placed a beer keg, a valve in the bottom so the prisoner or patient could receive a douche; in the application of that at that time exceptions to the rule prohibiting any other physical application were occasionally made not in formal floggings but in taking a man to the shower bath which he disliked to experience; more or less physical force of one sort or another was frequently used, as I maintain has always been used, is now used and always must be used, physical force of some kind in any prison of adult prisoners in the world, whatever may be the statutes in relation to it; it is impossible to control properly a large number of adult convicts without using it; sometime some form of physical force with some of them; if you will allow me to go on and state particularly I would like to interpolate here a remark: all of us are responsible more or less for a false sentiment that has been disseminated in reference to the reformation of criminals to the effect that by some moral persuasion a perverse mind, anti-social and criminal, may be at once reclaimed and made a saint; there was in use at the Albany penitentiary at that time also solitary confinement, a very repulsive and objectionable arrangement, one that would delight the hearts of the ferrets searching out underground cells, for that was a veritable underground cell, that was not very frequently used; the discipline at that time was humane, but was of the old New England type: removing from the Albany penitentiary to the Rochester penitentiary, of which I at that time, 1854, became superintendent, my first charge of an institution, more or less of physical applications, switching, the cats were never used, was in use; also the same Albany arrangement, although I believe the cell at Rochester was not underground; the disciplinary inflictions in the Monroe county penitentiary at that time are dimly in my mind; they were not characterized by undue severity, and there was no punishment there, as I remember now, that would impress itself upon the mind as being unusual; from the Rochester penitentiary, after seven years' service, I removed to Detroit and com-

pleted the buildings, and opened and organized the Detroit house of correction; physical inflictions in the nature of floggings upon the shoulders were extremely rare; I entertained the same sentiments about it then that have been read from my testimony before the examining committee in 1882 to-day; under the old basis of imprisonment for short term prisoners to earn, and be cleaned up and sent out again, that ran for seven years without any floggings; there was substituted for it not the long continued confinement in a solitary cell, with the degradation and deterioration and degeneration of it, but what Mr. Rathbone has been using since he has been acting superintendent, the standing up at the cell door, handcuffed to a bar, as you gentlemen saw them in there, during the ordinary hours of labor, on a restricted diet; we were not, however, in the Monroe county pentitentiary without investigation; there is a periodicity of investigation well recognized by penologists; there were no sustained charges of cruelties, no serious charges were ever made there; on removing to Elmira from Detroit, and being charged by the board of managers under the general resolution with completing the buildings and organizing the industries, which involved the suggestions and testing of disciplinary methods, with the view to this new and improved and enlarged purpose of imprisonment, I began, as at Detroit, without the use of floggings, with the exceptions I named in my first general remarks, as to what does and always must exist, exceptionally here and there, in any adult prison establishment; the application of blows, floggings, was not any part of the established discipline here, and I have read in the report of the proceedings of 1882 there were only ten cases in five years; up to that date they were exceptional altogether; we used at that time various devices commonly known to prison managers; we had no dungeons underground; we had thirty-two large room, you saw them, I think, passing through the south corridor as being larger and different from the other rooms, and some testimony has been had in relation to them; that apartment constituted at that time the extreme west end of the south wing, and was partioned off with a brick partition; it was contemplated by the projectors of the institution to use those thirty-two rooms for the first case of imprisonment, analogous to the English system for nine months in solitary confinement, but they were never so used; that division of the prison constituted the only place in which we could separate one recalcitrant prisoner from others, and they were not always used for punishment; sometimes they were used as a means of discipline; they were used at one time as an industrial establishment, adopt-

ing the principal during the hours of labor, that forms an essential part of the Pennsylvania system, Eastern penitentiary, and I will speak of that now because that has been in evidence; we erected around the outer walls on the ground floor little booths, made of two inch plank with a wire screen over the top of them, with a door, and a lock, and a round opening into it, in which prisoners who were unable or unwilling to regulate their conduct in accord with the established order required in the congregated workshops, should be placed and be allowed to draw brushes, or be required to draw brushes, or cane chairs seats during the day, and at night they went to these thirty-two rooms, and lodged in substantially the same sort of cells as the others, except they were larger; the lodging in there at night was no punishment; the working of these men in those booths instead of the congregated workshop was in no sense a punishment; it was simply a device to avoid the disturbance and injury of their uncontrolled conduct in the congregated workshops, and to avoid also the use of punishments; about 1882, or rather during that investigation from causes which it is unnecessary to name, because not inherent in the reformatory or not attributable to any fault of discipline, causes connected with the visitation of the attaches of the committee of investigation, a little, not very important, mutiny occurred in the great foundries there; I thing thirty-two men at pouring off time made some demand and refused to take care of the hot iron coming down from the cupola, unless their demand was acceded to; they were locked up; I myself was not on the premises; I was attending the investigation in the city; locked up on Saturday night, and on Monday mainly to test the theory of our indeterminate sentence and marking system, on Sunday I should say we allowed the usual opportunity of communication; men were assembled in chapel, and they are all there supplied with pencil and pad, as you know, and on Monday morning we were quite interested see to what an extent an insurrection should be aroused by such means under such a system; we found forty men who had remained in the rooms, refusing to work; there was an accession thus of eight men only throughout the whole establishment; at that time I took up the spanking means; I brought to a private apartment with my first officer the ring leader of that mutiny, and spent a full half hour in argument and persuasion to induce him to relinquish his unreasonable conduct and take the lead in going back to the shops; my efforts at persuasion were unavailing, and I spanked him; then the mutineers began to relent and re-enlist, with now and then one who refused, and there were seven spanked, impressed, the rest volunteered, and

the trouble was over; from that time the spanking system has been in use; of course as the number of prisoners greatly increased, the natural and unavoidable frequency of its application or the percentage of applications must increase also, owing to the process of selection by which the fittest are discharged early, and the unfittest remain longer, naturally added to the number of such inflictions; owing to the gradual increasing effort expressed in regulations and reformatory measures of one sort and another for the accomplishment of the purpose of imprisonment, for all the men, there have been, as there has been in civilized society, an increase of laws, out of which naturally and inevitably there comes an increase of infractions of laws, and particularly the introduction of the military system, with its military discipline, fashioned in its marking system and requirement, with reasonable adaptation to our class of men, very much after the system at the National Military Academy at West Point, added also to the occasions of law infraction and to the necessity of disciplinary measures of one sort and another; up to the twenty-sixth of September, when I retired, when I was not retired, when I was relieved from my duty, particularly disciplinary duties, we have gradually grown to feel what the managers so tersely express in their report, that this method to the trifling extent it is administered, is the most effective and most humane, at the same time, and it has been in use almost exclusively, superceding the confinement in the dark cell as a means of punishment, and superceding the other means of discipline which are so generally in use in prisons throughout the land; I have run over in a cursory way, in answer to your request, the experience I have had in various disciplinary means in various prisons; the argument for the use of one disciplinary means above another, particularly for the use of this, is easily given, but doubtful whether you intended me to go into that in response to this question.

Q. Simply calling your attention to the facts relating to your experience, etc., and to the methods adopted; I understand from your statement that from the experience which you have had in all you are of the opinion that the best method to discipline inmates of the character of those confined at the Elmira reformatory, is in the manner that you have indicated, prescribed? A. I could not give you a categorical yes in reply to that, and convey what I wish to convey as to my opinion; I hold that the adoption, miscellaneous and general adoption of the application of corporal inflictions throughout prisons generally as they are, would perhaps be unadvisible; I hold, on the contrary, that the application of that disciplinary means in the Elmira reformatory for the

purposes intended by the agents employed, is for the Elmira reformatory the very best; that would be my answer.

Q. In the statements you have just made, you referred to the evidence you gave in 1882, and your counsel requests me to call your attention to the question that was put to you at that time, and to your answer, and you see what your views are in relation to the subject; now the question that was put to you then is this: "In your judgment is corporal punishment necessary as part of the discipline of this reformatory? A. Let me answer that a little freely; I never have for years, have never inflicted corporal punishment without a feeling of humiliation, that I was unable to mold the mind of a man without punishing his body; there are some cases, probably in about the portion of the men that have been punished here, and some more which would be greatly benefited by the application of corporal punishment, and we refrain from it because, on the other hand, there is a reaction, if it comes to be known through the establishment the effect is bad to the officer who inflicts it, and those who witness are apt to be brutalized and injured by it; it is very difficult to take a weapon in your hand and strike a blow without a little feeling in it, and that feeling is bad; I only resort to it in extreme cases;" was that your answer at that time? A. I think it was.

Q. I am requested to ask you what have you to say in reference to the subject now, from the experience you have had since, whether or not your opinion has changed on the subject? A. Starting with the conviction there expressed and repeating what I said a moment ago about the danger of the general infliction of corporal punishment, watching carefully myself the effect upon myself, and the effect upon others as it has been administered in secret, in private, I have proceeded until I have reached the conclusion that I stated in my general statement a few moments ago, to reiterate that, in the Elmira reformatory, for the purpose intended by the agents employed, is now the very best.

Q. Do you think that you obtain better results from the adoption of this method of discipline than from any other that you have ever tried? A. Yes; that is included in my statement, of course.

Q. More efficacious, and you claim has been to improve and necessarily advance the inmate in such a manner as to enable him to obtain his freedom, and to become a better citizen than he would under most any other treatment? A. You introduced into your question other consideration; I would like to call the attention of the committee in formulating my reply, if I am required to formulate only to that specific question, to the fact

that the percentage of advancement of the prison population toward parole, reformation, may be affected by any one element that enters into their discipline, but is not controlled by that, and we are apt, in considering one, to give undue importance to it, that the application of spanking and the treatment I have felt obligated to apply, has promoted the advancement, the reformation of the prisoners, there is no question.

Q. Wherein or in what respect do you claim that this method of discipline is superior to confinement in the cells or other means of discipline adopted? A. There are only two others nowadays, the buck and all those novel agencies I have never known used; they are not used now; I judge the only two other agencies, one really with slight variation, one is the confinement in a cell on low diet, without restraint, dark or light; we have not used dark cells; we have never darkened a cell for the purpose of punishment or discipline; I don't like the word punishment, because it isn't in my mind at all a matter; we haven't been doing that for many years; the other is confinement in some separate part of the prison, or even his own room, standing at the cell door during the hours others labor, or a little more, on restricted diet, and the spanking as we have used it; now as to comparison of these three methods; the confinement of the class of men, a smaller percentage of men who are not amenable to the moral motives which actuate the mass and carry them on successfully, in a cell where they may doze, and sleep and indulge in their personal vices on a restricted diet is not so good an atmosphere, and without exercise, or the confinement of the same man, in the same room, kept awake by being required to stand at the cell door, does not accomplish the object for which the disciplinary treatment is imposed; since I resumed my control, passing around through the seclusion cells and seeing those fellows at the door, going quietly in I find one dozing, another leaning up against the side of the wall, so that I have to call him, speak to him once or twice, punch him with my finger through the gate to awaken; "Do you want to come out?" "Yes; oh, yes;" so they go on and on, under an effect of physical depletion, mental unoccupation, deterioration; the man it not at all associating with the experience; they have the occasion of it as far as they are subjectively concerned, until wearied and tired and hungry, or by a natural reaction of mental action that comes to all human beings, they say: "Yes; I would like to go out and go to work" and come in again; the objection to either of those two forms of disciplinary treatment is that it — the fundamental objection is that it is not only not reformative, but it does positively contribute to the very physical degeneration out

of which criminal or anti-social conduct springs; it is not favorable or chimerical to make such a statement, because the common sense of the civilized world nowadays, who are studying this question, recognize in the physical organism the cause of anti-social conduct mainly; the man comes out and he has to be built up with food and bath or gymnasium two or three days; then he goes back to his work; by that process, the recovery process of mental moods, you build in by this treatment a kind of periodicity; he does not stay improved, and records up there now will show there are frequent recurrences of that treatment, that the same individuals go out and come in again; another very evil effect of it, vastly more evil than that I imagined, for I had not then had very much experience with the spanking business in 1882, imagined as likely to obtain through the establishment, growing out of it a very much worse influence is exercised throughout the whole population; they see Jim Cullen or John Sullivan go over and go down to the seclusion, and stand up to the door; they have an interest in it, as they have an interest in a cock fight or a horse race, to see who would beat, see how much sand he has, how long he will stick it out, so that throughout the prison establishment he who stays the longest among that class of people becomes the hero in the admiration of the rest; that is a very evil influence; in contrast with that, take the other man, in the ordinary active pursuits of every day loses his head, or he is a tough, or he is addicted to vices that disturb his nervous action and render him unable to regulate his conduct, or he is what has come to be known in prison parlance a rattle subject, who has no self-regulation; he goes here, there and everywhere, after visiting upon him the remedial consequences of reports, reduced grade standing, with the small reduction or privations, reproofs, warnings, admonitions, all moral means that in these days the best of us are able to devise or suggest, the question comes up whether he will lower the standard of the discipline to his system, or whether we will bring him up to the standard of the discipline, or put him away where he will do no damage; having made him a definite promise, after all these efforts have been made, that when he accomplishes certain other steps of disregard of regulations he should be spanked, we take him, as I said in the beginning of this last paragraph, from the fully awakened activity of the industries and regime of the whole place, and send him back in five minutes with a little spanking; that is a physical tonic, without speaking fancifully at all; the man is stimulatd by it; there is no period intervening between the application of the treatment and his return to the activities of his situation in

the institution, no period of lethargy, or dozing, or deterioration, he has his full rations, he has his work; another class are those who commit assaults upon each other; there are a large number of those in such an establishment as that, boys thta are brought up fighters; they do not learn to restrain themselves, they haul off and hit; a private in a military company turns his gun sometimes and goes for the lieutenant; bring that man in and put him in seclusion a week, or bring him in, give him the privilege of going back and making a manly apology and taking his place in the ranks without a spanking, or go to the bathroom and be spanked and then go back; send him back in fifteen or twenty minutes to salute the officer and take his place in the ranks, and the whole trouble is over, and you reduce the number of assaults to their possible minimum in a disciplinary establishment of that sort; I think the danger of physical injury is much less by this application applied, not by the officer against whom the offense is committed, not in his presence, not necessarily with his knowledge; all he can require is that this man takes his place in the ranks and does as he ought to do; I say the advantage of diminution of possible danger to undesirable causes is minimized in the application of this treatment in this way by this agent and it is maximized by sending him in solitary confinement there to practice his vices and to lie in a stupor and undergo physical depletion.

Q. Upon several occasions it has been claimed during this investigation that while you were administering this punishment the inmates were struck with the strap over the head and across the face, and I think you stated upon one occasion while a young man was receiving this punishment, or in connection with it, you hit him with the handle of the strap and cut the skin, made a sort of wound; and I am requested by your counsel to call your attention to these matters that you may state what further you desire to state in relation to those transactions, and state the circumstances and the reasons why? A. I think I stated that quite fully in my original statement; perhaps counsel may desire a fuller statement.

Q. That is my recollection of it, but your counsel desires you to make as full an explanation as you can in detail in reference to it. A. The spirit of it will be readily discerned if you will accept, as we know it to be the case, that from the very inception of disciplinary attention to any and all inmates, there is a strong purpose ever present, to reduce the strength and force of necessary disciplinary measures to their minimum in the treating of these men; I state that generally; now that spirit

and purpose pervades all that is done in the bath-room; I stated in my original statement or testimony at Elmira, in answer to the question Dr. Smith sprung upon me as to what percentage of men that go down to the bath-room under promise of spanking are let off without being spanked, that the percentage was sixteen per cent, if I remember right; an examination made soon after that revealed it is a fraction less than thirty per cent, so that nearly one-third of the men who are promised a spanking after this preliminary effort for them are sent out without it; that fact I think emphasizes the statement I have just made that the purpose is to get on with as little as possible, and that we are not hungering and thirsting and longing for an opportunity to thrash a poor devil; and every device that such ingenuity as I have can suggest, and such as my experience has suggested, and such as my personnel enables me to employ is used to get on without the spanking and reduce the amount to its minimum; there are two classes of applications, the slap in the face and the spat on the top of the head; the word strike or blow with the significance given to it by the witnesses for the prosecution, and in the course of this examination would really misrepresent the fact, so I use the other terms; it is a slap, it is a spat; one is upon the top of the head and the other is on the face, as you have said; I have my rattled type, who does everything his instincts prompt him to do, refrains from nothing, and so is unable to go on in the ordinary associations of the place; it matters very little what the particular order may be, only given that it is contrary to his instinctive action to enable us to impart the initial lesson, to enable us to accomplish any improvement, the initial process of self regulation, restraining by the force of his will his instinctive action; the initial communication to his mind of the relations of the offense, no matter what it is; now without planning it naturally, it springs up he should turn his face away from me; there is another reason for that, of course, that was suggested because when a boy or man is looking around at you he will evade the application; he will dodge under it; you don't accomplish anything, so the order was given that during this application he should turn his face the other way, place his fingers upon the window sill, if you please, anything, "don't cry out, don't make any noise, don't make any demonstration, just restrain yourself" and when you do that the lesson is imparted and the purpose of the application is over; I say, "turn your face the other way;" that is the one thing they will do, turn it around and turn it immediately back, turn it around and turn it immediately back;

I put my hand on his hand and say, "can't you hold your face the other way?" He will turn it immediately around; with the strap in my hand I have, as I stated in my original statement, given him a little slap like that; if he comes around again I give him another, perhaps a little harder, not quite so light would be a better expression; that accomplishes it usually; that is the reason for that application; if any case of nose bleed ever occurred it was unintentional and accidental, and of no importance, trifling matter; should not interfere at all with the process that is going on; no damage has been done, no serious or permanent damage has ever been accomplished in that direction; the blow has already been a light one; another class of men, the stupid or tough class; you will see instinctively one who is quick to observe and recognize peculiarities of character, that the man braces himself to see how much of it he can take; that is one class; another don't realize what is going on; they are in the lethargic condition of men, like a sleeper who has a dim perception of discomfort from the constrained condition in which he is lying, but has not awakened enough to know the cause of it and straghten himself and be more comfortable; after two or three applications, when I see that is the type I have in hand, I surprise him by not a mashing, cruel blow, but letting the strap drop on the top of his head, you understand, by illustration, the sleeper; I think we have all had such experience who have lived very much among boys and men, one that you can not awake by shaking him, pushing him; he will awake instantly if you put your hand upon his face; it is upon that principle; as I stated in my original statement, I did not admit it, I affirmed it; no admissions about it; it is sought to give the impression statements are drawn out of us; not at all; all I have done is at your service; sometimes by misadventure, the end of the strap has gone over and discolored the flesh about the eye, as I stated originally; not anything like the number of instances that have been described; that is altogether exceptional and occasional, but in a considerable number of applications it has occurred more than once, a number of times; it is not a matter of any great importance, since no injury of any importance is imparted; that is about the explanation I wanted to give of that, if I must give any.

Q. Explain about that one case? A. I can't individualize that case, but I remember well the occurrence; it is almost if not altogether the only one; it is the only one I remember; the type of man was sluggish and slow to respond; did not seem to sense what was going on, and instinctively, not impulsively, instinctively I took the handle of the strap, which was about that length,

a little larger, an inch, I think, and runs down small, and for the sake of giving a sharp sensation, tapped him in that way; "turn your face around;" and I stated in my testimony that I was surprised to find a very slight abrasion; I give that statement without being interrogated about it, for the sake of fullness and completeness in my testimony, as to all that ever occurred; I think it was somewheres on the left side of the head.

Q. Whereabouts with reference to the eye? A. Away up on the forehead.

Q. About how large an abrasion? Q. Between a quarter and half inch.

Q. Did the blood flow? A. Oh, little trickle.

Q. That is the case you refer to where afterwards plasters were put on? A. A piece of court-plaster put on there.

Q. Is that the only case that ever happened of that kind? A. That is the only case I recall; that is, I state with great confidence, that was the only case; I don't know of any other.

By Mr. Litchfield:

Q. Who put on the court-plaster? A. The hospital nurse; the hospital then was directly over the place of punishment, of treatment, just over that room, so that he was not called from the extreme west end of the prison, but was passing up and down there all the time.

Q. Is there anything further you desire to state generally in reference to the manner in which you have administered this discipline? A. I understand that all you desire from me is the statement as to the reasons for preferring this form of disciplinary treatment over others, and an explanation, hardly that, a restatement of the occurrences that took place in the bath-room, and an explanation of these incidents.

Q. Before coming down to an explanation of the incidents, that is, the particular cases that have been referred to during the investigation, is there anything further you desire to state generally? A. No; I don't care to make any statement except I am interrogated.

Q. As I understand it, you have an office in the reformatory? A. I spend most of my time there.

Q. Where is your office located? A. It is directly west of and in the rear of the great office where you saw so many clerks at work on the conduct books.

Q. Where you have the interviews when inmates are first introduced? A. Yes; not where I have disciplinary interviews.

Q. You are there ready to receive complaints, communications, etc., from inmates at any time? A. I am on my feet there all day.

Q. For the purpose of seeing inmates, if they desire to see you? A. Yes, sir.

Q. Is it called the guard-room? A. Yes; the superintendent's guard-room floor office.

Q. It is an office back of the clerks? A. Yes, sir.

Q. While administering these punishments who usually are with you? A. The first officer; I don't refer to Colonel Bryan, for the reason he is engaged otherwise now, but the second officer, under the old regime it was the first officer who had less of such duties, the second officer; the last men who were present was Mr. Sample, who testified here, and Mr. Lazenby, who was at that time a hall keeper; previously Mr. Winnie and Mr. McLaughlin.

Q. How many officers besides yourself were present? A. Two.

Q. Never more than two? A. Never more than two summoned for that purpose; somebody else may have stepped in.

Q. Never more than two to aid? A. Never more than two regularly there.

Judge Gilbert.—As we understand it, the statement which Mr. Brockway made at the opening of the investigation was to be regarded as evidence; do you so regard it?

Mr. Litchfield.—I so understand it.

Judge Gilbert.—Yet at the same time the statement was made to him that if he desired to make a statement relating to the charges that he could do so, and he might very easily infer from that that it was merely as a statement and not as evidence, but his counsel suggests that the attention of the committee should be called to it, and that ought to be regarded as evidence and avoid the necessity of going over the same ground again.

Mr. Litchfield.—I understood it was as evidence, and that it was a voluntary statement, and he went further on with his statement that the committee expected at the beginning.

Mr. Babcock.—And that that statement would stand as testimony in the case?

Mr. Litchfield.—Yes, sir.

Mr. Babcock.—That will save going over it agan.

Mr. Litchfield.—Besides which the witness has just testified that he made that statement voluntarily, and that he wished to stand by it, and that he would enlarge it if his counsel desired it.

Judge Gilbert.—I think it will save some time if the counsel for the defense could be permitted to call his attention to the specific charges.

Mr. Litchfield.—You desire to ask him the questions yourself?

Mr. Stanchfield.—Simply with reference to specific denials.

Judge Gilbert.—I wish the committee would permit it.

Mr. Litchfield.—It is granted.

By Mr. Stanchfield:

Q. No. 342, Frank McGlynn, was at one time an inmate of the reformatory, and it appears from the testimony of his sister that upon the occasion of her visit to the institution you made the remark to her: "For a young woman like you it is a great task to take him; will you promise me that you will consult no lawyers, particularly Howe & Hummel?" I ask you whether or not any such conversation ever took place between you and the sister? A. I might have remarked for her, for a young woman like herself it was a great task to take him, but I never made any remark to that woman, or any other woman, of the nature of the latter part of that, in relation to attorneys.

Q. Was McGlynn at any time punished by you in the bath-room so as to lacerate or abraid the skin upon his back from the shoulders down? A. He never was.

Q. George Ackerman, consecutive number 1004, claims that in your presence he was placed upon a stool, with his hands fastened to a gallery bracket, the stool removed and he left swinging in mid-air, and then punished until he became unconscious; I ask you whether or not that ever took place? A. It never took place.

Q. Abner Cook, consecutive number 1832, claims that in your presence he was kicked in the stomach by Halpin and yourself, also in the head in your presence in the bath-room? A. He was never kicked in my presence by anybody.

Q. Michael Howard, consecutive number 1859, claims that he was struck by you with your fist, and knocked against a sink, injuring his left cheek, and leaving a scar; did that ever occur? A. That never occurred.

Recess.

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AFTERNOON SESSION.

Z. R. Brockway, recalled:

Examination continued by Mr. Stanchfield:

Q. Did you ever spank Michael Howard above the kidneys to such an extent as to draw blood? A. I never spanked any man above the kidneys!

Q. Did you ever, during any private interview with Michael Howard, strike him, and upon one occasion knock him off a chair? A. I never did anybody.

Q. Did you ever call, in his presence, his sister vile names, or use profane and filthy language to him in any interview you ever

had with him? A. No such occurrence ever took place in relation to anybody's sister in the presence of anybody.

Q. Have you any specific recollection of Patrick Cunningham, No. 2330? A. Yes; I have.

Q. Did you ever observe any burns around his neck that had been produced by the iron in removing him from the cell? A. I never did.

Q. I call your attention to James Manning, consecutive number 2461, at any time when he was in the bath-room, did McNish ever in your presence standover him with knife drawn ready to stab him? A. McNish never stood over any man in my presence with a knife drawn.

Q. I call your attention to James Manning, consecutive number 2515; did you ever punch him in the mouth in an interview at the interview table, and knock him off the table with the force of the blow? A. No such occurrence ever took place at the interview table.

Q. Or strike him at the telegraph table, so called? A. No such occurrence ever took place at any telegraph table in the reformatory.

Q. I call your attention to Thomas Decker, consecutive number 2520, and make inquiry whether or not he was ever struck by you at the interview table in the presence of Mr. Winnie? A. Never struck anybody at the interview table in the presence of Mr. Winnie or anybody's presence.

Q. I call your attention to Adam A. Kenny, consecutive number 2676, and address the inquiry as to whether or not you ever kicked him in the side at any time, either in the bath-room or elsewhere? A. Never kicked anybody in the side in the bath-room or elsewhere in the reformatory.

Q. I call your attention to Leopold Roseman, consecutive number 2756, and ask you whether you ever struck him with the handle of the paddle upon the forehead, leaving a scar? A. Unless he is the individual of the occurrence I detailed in my statement I never did; I don't know whether he is or not.

Q. Was he ever kicked in the head in the bath-room by Officer Sample in your presence? A. Never in my presence.

Q. Or did they jump upon him in your presence, kicking him in the ribs and head, and dislocating a joint in his finger? A. No such occurrence ever took place in the bath-room in my presence or elsewhere.

Q. I call your attention to Thomas J. Miller, consecutive number 2780, and ask you whether you ever struck him across the face, breaking off two of his teeth, leaving the stumps remaining? A. I never struck anybody across the face breaking

off their teeth; if Thomas Miller is one of the men who received a slap in the face then he may have received a slap in the face; I do not recall that I ever struck Thomas Miller in the face; it is possible he may be one of the men who was subjected to the treatment I described in my statement in the early part of this examination.

Q. Did you ever stamp upon him with the heel of your shoe, leaving a mark upon him, in the bath-room or anywhere else? A. Never committed such an act in relation to any man.

Q. I call your attention to Charles Bramst, consecutive number 2882, and ask you whether you ever struck him in the face with the handle of the paddle, leaving scars, or knocked him down in the bath-room and kicked him, or whether he was ever kicked by Winnie in your presence in the bath-room or elsewhere? A. Neither he or anybody else was kicked in the bath-room by Mr. Winnie in my presence; neither did I ever knock him down or anybody else in the bath-room; if he was struck upon the head he must be the man, the account of which transaction I gave in my testimony a few moments ago; if he wasn't that man then he was never struck in the head by me.

Q. I call your attention to one McCabe, whose first name does not appear upon the abstract, consecutive number 2898, and ask you whether, in the presence of Mr. Hoppe, upon the guard-room floor, you ever struck McCabe in the face with a blow? A. I never did.

Q. Did you ever strike the same man McCabe in the presence of the board of managers? A. I never did.

Q. I call your attention to Frederick Brown, consecutive number 2432, and ask you whether you ever kicked him in the side in the bath-room some time during the year 1889? A. I did not, for I never kicked anybody in the side in the bath-room; I give these answers because they are covered by the general statement, and I couldn't call up particular occurrences in which it is alleged these things occurred.

Q. I call your attention to Frederick Cox, consecutive number 3469, and ask you whether you ever punished him in and about the head and face until he was disfigured so he could not be recognized? A. I never did punish Fred. Cox or anybody else about the head and face so they were disfigured seriously, or so they could not be recognized; if Fred. Cox ever received a blow in the face then he is one of the small number of men who received the kind of slap I described in my testimony before adjournment.

Q. George Cowen, consecutive number 3543, I ask you whether you ever knocked out four teeth from Cowen in the bath-room?

A. Never knocked out four teeth or any teeth from anybody in the bath-room or anywhere else.

Q. I will call your attention to Natty Houseman, consecutive number 3637, and ask you whether you ever struck him in the bath-room or elsewhere across the abdomen and knocked him down, and whether or not in any interview you ever had with him you called his mother a bitch? A. No such occurrence or language ever occurred by me in the bath-room or anywhere else.

Q. I call your attention to Joseph Thomas, consecutive number 3677, and make the inquiry as to whether or not he was ever kicked by you in the stomach five times after having been knocked down by you? A. No man was ever kicked by me in the stomach.

Q. I call your attention to Hugh Lavery, consecutive number 3682, and ask you whether you ever struck him with the handle of the paddle in the mouth, knocking out a tooth? A. I never did strike any man with the handle of the paddle in the mouth.

Q. Did Mr. Winnie in your presence or hearing ever call him a "God damn house of refuge bastard?" A. Mr. Winnie never called anybody a "God damn house of refuge bastard" in my presence.

Q. Did McNish or Winnie when he was in the bath-room ever kick him in your presence? A. No, sir.

Q. I call your attention to William D. Tenny, consecutive number 3794, and ask whether you ever addressed profane language to him in the bath-room at any time or upon any occasion? A. I remember Tenny, but I never addressed profane language to Tenny or anybody else under those circumstances.

Q. I call your attention to George Wogan, consecutive number 3800, and inquire whether you ever struck him at the interview table on the guard-room floor, knocking out a tooth? A. Never struck anybody at the interview table on the guard-room floor, knocking out a tooth.

Q. I call your attention to John McCormick, consecutive number 3902, and ask you whether you ever struck him a blow with your fist in the face, knocking him against the bath-tub where he cut his forehead, leaving a scar? A. No such occurrence ever took place.

Q. I will call your attention to one Neben, consecutives number 4022, and inquire whether in the presence of James Boyd or elsewhere you ever struck him three or four blows, knocking him down, with your fist? A. No; I never did.

Q. I will call your attention to Daniel Miller, consecutive number 4031, and ask you whether in your presence he was ever struck by Winnie in the bath-room and a tooth knocked out by

him? A. Mr. Winnie never struck anybody in the bath-room, knocking out a tooth in my presence.

Q. I ask you whether during the time while Miller was in the bath-room undergoing punishment he fainted away and was carried out of the bath-room and into his cell by Halpin and Sample? A. No such occurrence ever took place.

Q. I call your attention to Robert Harrigan, consecutive number 4074, and make the inquiry as to whether or not you ever kicked him in the stomach in the bath-room? A. It is covered by my recent reply that I never kicked anybody in the stomach.

Q. Or whether or not he was spanked until he became unconscious and was carried out with his head bleeding? A. No such occurrence ever took place in relation to any man.

Q. I call your attention to George C. Zelia, consecutive number 4233, and ask you whether you ever in his presence in the bath-room or elsewhere called his mother a bitch? A. I never called anybody's mother a bitch in the bath-room or anywhere else.

Q. Or paddled him or spanked him about the buttocks abraiding the flesh and leaving a scar across the small of the back? A. No, sir; I wish to cover that by the general statement that no such occurrence occurred; as I remember these prisoners, some of them as you call their names, vividly, and some I do not remember at all.

Q. I call your attention to William Park, 4290, and ask you whether you ever kicked him in the bath-room in the presence of Winnie and Sample? A. Covered by the answer I have already given that no such occurrence ever took place.

Q. Was he, to your knowledge, ever chained in the solitary for eighteen days in succession by both hands? A. I have no knowledge that anybody was ever chained by both hands; you will have to refer to the records as to the man being in the solitary or chained at all; I have no recollection about that; he may have been for some time; how long would appear from the records.

Q. Samuel Gross, consecutive number 4346, and ask you whether you ever kicked him in the testicles in the bath-room? A. Never kicked anybody in the testicles in the bath-room.

Q. Or whether he was spanked there until he became unconscious and was carried out? A. No such occurrence ever took place in the bath-room.

Q. Or was he kicked there — paddled or strung up so as to rupture him in your presence? A. No such occurrence ever took place in the bath-room in my presence.

Q. Did you strike him with the strap across the buttocks so as to break the skin and cause the blood to run? A. No.

Q. Did you ever, when he was discharged, request him to write some letters so that you could publish them in the Summary that people could see what a nice place the reformatory was, and ask or request of him that he should forget the spankings and the rupture? A. No such conversation ever occurred; I always ask the men on their release to write me but not at all for publication in the Summary or for the intent and purpose stated in the interrogation.

Q. I call your attention to Frank Koenig, number 4710, and ask you whether at any time in the bath-room his head was cut and he was bleeding and strung up so as to suspend him clear off the floor and spanked him in that condition? A. If his head was cut in the bath-room then he must be the person who received the slight abrasion I mentioned in the fore part of my testimony; there have been a few instances, as I stated in my voluntary preliminary statement, where a man for a moment was suspended.

Q. Where was he strung clear of the floor and spanked? A. I think I stated in that statement a man may have been for a moment; some men have been for a moment suspended and while suspended they might have received a spat; I am unable to say whether this is one of the men or not.

Q. I notice in reading over your statement in the preliminary examination the stenographer's minutes recite the fact you used the expression a man had been strung up free of the floor for one minute, did you use that expression? A. A moment; I was interrogated as to the meaning of the word moment, what I meant by it, how long a time, and I may possibly have said a minute; that would be the statement I would make in answer to such a question.

By Mr. Litchfield:

Q. I think you testified at that time you never had taken out your watch and timed it? A. No; my judgment was it was a minute would be the maximum; it was only a moment.

By Mr. Stanchfield:

Q. I call your attention to John McCormick, No. 4768, and ask you whether he was ever kicked in the groin by you in the bath-room or elsewhere resulting in bringing down an old rupture? A. No such occurance ever took place in relation to him or anyone else in the bath-room.

Q. I call your attention to James J. Reilly, consecutive number 4776, and ask you whether he was ever kicked in the bath-room by Halpin in the shins or elsewhere in your presence? A. Not in my presence never saw Halpin kick anybody in the bath-room.

Q. I call your attention to John B. Cory, 4848 and ask you whether after he was thrown upon the floor by Halpin he was kicked by you and whether or not in the bath-room he was punished by you and a molor tooth knocked out and his jaw broken at the same time? A. No such occurance ever took place so far as my participation in it is alleged in the bath-room in relation to this prisoner or any other prisoner.

Q. Did that ever occur in your presence? A. Never occurred in my presence.

Q. I call your attention to William Facey, 4954, and ask you whether he was ever spanked three times on one afternoon by you? A. The records will show; my recollection is, he was spanked once and only once.

Q. Whether he was thrown on the floor and kicked by you and Halpin? A. No such occurance ever took place in relation to Facey or anybody else.

Q. And left unconscious after the last spanking? A. My answer would cover the last interrogation.

Q. Walter E. Lewis, 4961; did you ever kick him in the shins or elsewhere? A. Never kicked any prisoner in the shins or elsewhere.

Q. I call your attention to James J. Newman, 5001, and ask you whether you ever punched him in the mouth, leaving a scar, and shackled him or caused him to be shackled with both hands and feet while he was in the bath-room? A. I never punched anybody in the mouth leaving a scar, and I never caused him to be shackled with both hands and feet or anybody else; I don't remember Newman.

Q. I call your attention to Thomas J. Lumsden, 5072, and ask you whether you ever struck him with the strap across the stomach or abdomen as many as six blows during a spanking? A. I never did.

Q. Was he ever kicked in the head by Halpin in your presence? A. I have already stated Halpin never kicked anybody in the head in my presence.

Q. John W. King, 5096, and ask you whether you ever kicked him upon the knee and that he was during the same interview struck by Halpin on the side of the head, leaving a scar on his knee where he was kicked by you and the force of the kick caused him to fall on the floor? A. I never kicked anybody.

Q. I call your attention to Quinn, 5178, and ask you whether he was ever knocked down, punched and kicked by Halpin or Lazenby in your presence, and that you made the remark "give it to him, but do not mark him?" A. No such occurrence or language ever occurred.

Q. And that he fainted away and was revived by Halpin with a cup of water? A. The answer covers the last allegation.

Q. And that he bled from the nose and mouth and was hoisted off the floor and kicked by you while in that attitude? A. I have already stated I never kicked anybody and have explained about the hoisting of the men off the floor; if this man was one of those he was and would come within the limit of the interrogatory of men whose treatment I have already described; if he was not one of them then the occurrence never took place.

Q. Henry Shults, consecutive number 5366, and ask you whether you ever spanked him with a paddle that had two straps fastened to the handle? A. Never spanked anybody with a paddle that had two straps attached to the handle.

Q. I call your attention to Daniel Leahy, definite term man, and ask you whether he was ever knocked down by Halpin and kicked in the mouth by Sample in the bath-room in your presence? A. No such occurrence ever occurred in relation to Daniel Leahy in my presence.

Q. Or whether Sample kicked him at the same time in your presence, knocking out a tooth? A. Same answer.

Q. Did you ever in the presence of an officer there by the name of Manly upon one occasion while a boiler was being moved across the yard use profane language to the men engaged in doing it? A. I did not.

Q. Did you ever in the presence of Edward A. McLaughlin, while he was there, strike a man in the yard with a cane and knock him down during the time McKelvey was principal keeper? A. No such occurrence ever took place.

Q. I ask you whether you ever spanked anyone so as to abraid the skin or bruise the flesh or lacerate it between the buttocks and up to the shoulders? A. Never did.

By Judge Gibert:

Q. Do you know of fights occurring in the reformatory between the inmates? A. Oh, yes; quite a common occurrence.

Q. In those fights have you known inmates to receive bruises and wounds? A. Yes, sir; some wounds, but more bruises.

Q. About how many of those have you witnessed or do you know of during the last few years? A. The records show reports

of fights during five years for which the men are always brought in and brought to me 371 or 373.

Q. During what time? A. Five years.

Q. What is your custom with reference to notifying parents or friends of the inmates that have died in the reformatory? A. My custom is to notify the parents and friends before they die; the rule which I adopt for my own guidance, and which finds expression frequently in the letter-press book of correspondence is that I communicate to relatives in relation to their sons in my charge, sons or relations in my charge, when if the situation was reversed I should desire to have communication made to me.

Mr. Stanchfield.— There was in the charges an allegation made by a Mrs. Mahoney in New York city that she had never received any information in reference to the illness or death of her son, and we have here the telegram and letter that were forwarded and returned, the party wasn't at the address, which I desire to offer in evidence.

"Reformatory, 8.15 p. m., May 14, 1893.

"New York State Reformatory, Elmira, N. Y.:

"Yours to-day to Daniel Mahoney, 1045 Madison avenue, signed Brockway, not delivered. Party not known.

"Clark, New York."

"Elmira, N. Y., May 14, 1893.

"Mr. Daniel Mahoney, 1045 Madison avenue, New York city:

"Dear Sir.— Your son is, as I telegraphed you to-day, in a very serious condition of illness in the hospital. He had influenza six weeks or two months ago, from which he apparently recovered, but has had a relapse and the doctor tells me just now he is not likely to live out the day. I am sorry to communicate this to you, but you ought to know about it.

"Respectfully yours.

"Z. R. BROCKWAY."

with the envelope of the New York State Reformatory in which the letter was returned.

Papers marked "J. M. R."

By Judge Gibert:

Q. What is your custom in reference to notifying the inmates when you have been informed of the death of the parent of an inmate or a near relative? A. My custom is to send for them and communicate it orally or inclose the letter to them with the

expression of my own sympathy with them attached; these letters come to me from the clerks, the clerks open these letters, and the understanding is that they are to lay upon my table any letter that has anything in it of special importance, especially letters that communicate illness or death, or anything that would disturb the mental equanimity of the prisoner, anything that would call for my personal communication of it.

Q. Is that true in reference to the inmates in the three different grades? A. Yes; in all grades a letter of any serious import would be an exception to the general rule of correspondence to men in the convict grade.

Q. The general rule is that those in the lower or third grade are not permitted to receive letters as frequently? A. Not receive any letters or write any letters in that grade; one of the inducements to get out of the grade is the privilege of correspondence.

Q. While in that grade they are not permitted to receive or write letters? A. Unless the letters are of special importance.

Q. Except in instances where you are informed a near relative had died or seriously sick, then they are informed? A. They are informed and given special privilege to reply

Q. Suppose the letter is addressed to the inmate? A. All letters are addressed to the inmates; the clerks open the letters and are instructed to hand me those of that character.

Q. From your experience with reference to the inmate monitor system, what have you to say with reference to it? A. I made a full statement about that in my preliminary statement and will be glad to repeat it.

Q. You generally approve of it? A. I stated that the inmate monitor system is held to be and probably is objectionable in convict punitive prisons in the old disciplinary regime, and it is not only desirable, but I hold with the first experimenter in that line in Norfolk island, that it is essential, or very serviceable indeed in a reformatory; there is a difference between the value of the monitor system in an ordinary prison and in a reformatory prison; a very great difference; the conditions are different.

Q. I am requested to ask you if you approve of this transfer system, transferring inmates from the reformatories to the State prison, from the experience you have had? A. I made a statement also in relation to that; we had quite a conversation about it; I approve of it as the lesser of two evils; under the circumstances it is desirable.

Q We have asked you all of the questions desired to ask you on the part of the defense; you say you approve of the inmate monitor system as it has been adopted in the reformatory during the last few years? A. I think I so stated.

Q. When do you say you first adopted it? A. I am unable to recall the date; the monitor system went into more general use about 1888 or 1889, when we introduced our military system; previous to that here and there a man was used.

Q. It was not generally in vogue prior to that? A. Not so frequently as since, although always more or less all selected prisoners were used as monitors.

Q. Do you recollect a legislative investigation that was had about the years 1886 or 1887 in reference to the Elmira reformatory? A. I remember that.

Q. Did that committee make a report? A They did.

Q. Did you see it? A. I saw it.

Q. Do you recollect what some of the recommendations were, suggestions that were made by that committee? A. I couldn't recall one of them to-day, as I haven't read it for many years.

Q. I will call your attention to one; do you recollect that they, in quite emphatic language, condemned the inmate monitor system? A. Very likely they did.

Q. What do you say as to whether you now recollect that they did? A. Since you recall that feature of the report I have in mind that was one of the things condemned.

Q. Notwithstanding that, you thought from your experience that it was proper to adopt that system? A. Oh, yes, sir; the condemnation was based on insufficient grounds.

Q. You say, too, that you approve of the transfer system of the inmates from the reformatory to prison? A. As the lesser of two evils, under the present circumstances, I approve it.

Q. Do you approve of that under a system which does not provide for the organization of a tribunal before which the inmate may be summoned or required to appear, and where there is no provision made for a judicial investigation to be had in reference to those matters upon the strength of which transfers are sought to be made or thought best to be made? A. I must answer you by saying that I approve of the system of transfers as it exists to-day in the Elmira reformatory.

Q. You also, I suppose, agree with the statement that was made by the elder Dr. Wey that those transfers are made substantially upon the recommendation of the superintendent? A. Certainly.

Q. In your judgment the transfer system in connection with the reformatory system, such as is adopted in the Elmira reformatory, it is proper for the superintendent to possess power to recommend and authorize the transfer of prisoners as you are now authorizing and directing their transfer? A. I neither

authorize nor direct their transfer, I recommend; I answer so much of your question in the affirmative.

Q. And under a system which upon the strength of that recommend transfers are made? A. Yes.

Q. Are you aware of the fact that during the last five years 608 inmates have thus been transfered? A. Quite well aware of it.

Q. And also aware of the fact that probably the length of imprisonment thus added to the term of the prisoners' confinement would average in the neighborhood of about two years to each inmate? A. I am not aware of that.

Q. I understand that where a prisoner is transferred he may be confined in a State prison to the full extent of the maximum term fixed by law as the punishment of the offense for which he was convicted? A. He may be confined in a State prison for the same time that he might be confined in the reformatory; no longer.

Q. He may be confined in the reformatory to the maximum extent of the time? A. Certainly.

Q. If transferred to the prison he may also be confined there? A. Yes, sir; for the same time.

Q. As you understand it when imprisoned in the reformatory he is really only to be confined there up to that time when by the proper conduct and by the improvement which he has made, he may be discharged at the end of a year from the reformatory? A. The same from State prison.

Q. If a man is sent to State prison for ten years and is sent to the reformatory where he may by good behavior, etc., be discharged at the expiration of one year and he is transferred to the prison do you say that man can be released at the expiration of one year? A. I say the same prisoner who may be confined in the reformatory for five years or ten years or any time, when he is transferred from the reformatory to State prison does not thereby necessitate any additional imprisonment over that he would receive if he was incorrigible in the reformatory.

Q. My question is this: He may be confined in State prison to the maximum length of time that he might under the law be imprisoned? A. May be; yes; the point I wish to guard myself upon is that you imply by your question that the transfer of a man to State prison involves a longer period of imprisonment than if he remained in the reformatory, which it does not.

Q. Explain that? A. If he remained in the reformatory and unfitted for release he would remain his maximum term; if he remains in the State prison a portion of his time unfit for release he remains his maximum term and no more; on his transfer

to State prison he may be released, as already testified to here by Mr. Hoppe yesterday whose testimony I heard; each prisoner is given at the time of his transfer a copy of the resolution of the board of managers by which he may be retransferred to the reformatory and paroled, and a printed copy is also placed with each warrant of commitment so that at any time when the warden of any prison, to which prisoners from the reformatory are transferred, certify that he has observed and in his judgment the man if released would live without crime, the order is already issued that the general superintendent shall return him to the reformatory and take him immediately before the board of managers to be paroled or otherwise in their discretion.

Q. He may be? A. He will be; he must be, authorized to return.

Q. The superintendent of the prison is not under obligation to return him but he may return him? A. That is my first point; let me finish my answer, if you please; I have only given you one of the avenues by which the man may reach society again; he may reach society by the issuance of a pardon by the executive of the State, and they are not remiss in making application for pardon; he may reach freedom again fitted or unfitted by pardon, or by what is termed in the executive chamber special commutation; recently I had occasion to inquire as to forty-two men who had been transferred to State prison and we found thirteen had been released by special commutation, so that I feel and say that if a prisoner proving himself apparently incorrigible in the reformatory, necessitating or justifying his transfer, remains in the prison too long so that there is any injustice about it, the prisoner himself, the warden of the prison, the executive are responsible for it and not us; that is my point.

Q. Where the court sentences a prisoner to the Elmira reformatory it is usually with the expectation that if he complies with the rules and regulations of the reformatory and conducts himself properly that he may earn or obtain his release at the expiration of one year no matter what may be the maximum term for which he might have been sentenced to State prison; that is true? A. I should like to change your statement a little and say the expectation of the court ought to be not that he may but that he certainly will, if he is fitted for release, and if he is not the expectation of the court ought to be that he will remain.

Q. So far as that question is concerned there is no one to determine the question as to whether or not he is fit or not fit to be released except the superintendent of the reformatory and the board of managers; is that so? A. Certainly.

Q. The board of managers, from the statement made by Dr. Wey, has to rely mainly upon the report or recommendation of the superintendent, so that substantially the right of the inmate to freedom depends almost entirely upon the will or judgment of the superintendent? A. Yes.

Q. In addition to that, under this law, as I understand it, the superintendent instead of recommending his parole; he may recommend his transfer to State prison? A. Certainly he ought to.

Q. Upon that recommend he is transferred and, as I understand Dr. Wey and I understand you agree with him, transfers of that character have been made during the last five years up to about 608? A. Yes, sir.

Q. In some instances those inmates might have been imprisoned for the offense of which they were convicted, or the maximum length of term for which they might have been imprisoned is twenty years, or as you say they may be kept in the reformatory, if they fail to improve, to the full extent of the term? A. Yes; I don't know as it is proper for us to discuss it, but as it is before the committee and ought to have the fullest explanation and the arguments on one side and another, I might be permitted to call the attention of the interrogator to the fact that when the prisoner is convicted before the court, all such liabilities depending upon the judgment of the judge, who is but a man, he is liable for.

Q. I didn't care to lead into an argument now; probably you have observed during this investigation I am sensitive in reference to that subject; I want to make certain inquiries in reference to it; at Auburn we found several of those inmates that had been transferred to the prison from the reformatory in January, 1893, and as we understood it from them, they were sent there mainly because of their conviction of one offence which was charged against them while in the reformatory; your statement with reference to that is, I take it, from the motion of your head that they were not sent there alone for that offence? A. Not sent for any offence except as the offence indicates condition or character, sent there for very bad character.

Q. Sent there simply because they were incorrigible? A. If the judge-advocate will allow me.

Q. Simply answer me. A. If you will allow me to suggest.

Q. Were they sent there because they were regarded by you and by the board of management as incorrigible? A. As temporarily incorrigible, apparently incorrigible is the word, subject to the correction of that judgment.

Q. Isn't it true and haven't you stated that a large number of this 608 transfers were made because the reformatory was overcrowded? A. No one reason determines the transfer of prisoners.

Q. Is that one of the reasons why they were sent there? A. One of the reasons why a transfer is made, not the reason why these particular men are transferred.

Q. One of the reasons why the 608 have been transferred to prison is the crowded condition of the reformatory? A That has its influence.

Q. Has its influence upon you? A. Upon the transfers of the prisoners.

Q. Has its influence upon you when you make your recommendation to the board that transfers be made? A. In my own mind there is a distinction that must involve a contrary answer, whether you ask me if the overcrowded condition of the reformtory has an influence upon my mind in recommending the transfer of men; it has no influence in the selection of these particular men.

Q. I ask you if in recommending the transfer of the 608 men that was one of the influences that caused you to recommend to the board the transfer? A. I should reply a transfer of 608 men, not the 608 men, the transfer of 608 men was somewhat influenced by the overcrowded condition of the reformatory.

Q. The fact being these are the only 608 men that have been transferred during the last five years, that consideration, so far as it affected you at all, must have affected you with reference to these 608 men? A. I might have selected 608 others.

Q. Isn't that true? A. No; in the case in which you put it I am unwilling to reply, giving an impression that I selected a particular man in preference to some other man, for the reason mainly, or chiefly or mainly, that the reformatory is overcrowded; I say, without hesitation, that the overcrowded condition of the reformatory necessitates the transfer of prisoners; so far I go with you.

Q. In every instance, before an inmate is transferred to a prison, is any inquiry made, any investigation had, any trial had of any kind before any court, where the question is determined whether such a person should be transferred or not? A. Why, of course not; the question of transfer does not rest with any court.

Q. Rests entirely upon the record that is made up against him and upon the recommend that you made? A. No, sir; I will not accept that statement; the question of transfer rests by law with the board of managers, with the consent of the Superintendent of Prisons; when you ask me how I select these men, I would like to make a more full statement.

Q. What proceeding is resorted to for the purpose of determining whether you shall select A or B when you recommend to the board of management whether A or B shall be transferred? A. All prisoners selected for transfer are within the authorization, the characterization or the authorization of the statute, chapter 711 of the Laws of 1889.

Q. I understand all that, but what I want to get at is this, whether or not there is any method adopted by yourself, by the board of managers, or by any one else, by which A or B is selected than C or D? A. Certainly; I go to the record, and ascertain this man is an ex-convict, for instance; that is one of the steps; I ascertain that he comes within the category of prisoners mentioned in the section of that law that authorizes their transfer; I ascertain that from the record first; then I ascertain from the conduct records or my own knowledge of the men whether they are the least promising of any I can select for transfer, and make up a full abstract of all these conditions, which, with my recommendations, are submitted to the board of managers.

Q. As far as your record is concerned upon which this transfer is largely based, that record is made up under this inmate monitor system? A. Oh, no.

Mr. Babcock.—I think, Mr. Brockway, you made a mistake in referring to the statute; isn't it 1887 instead of 1889? A. It is 1887.

Q. Isn't that record made up largely upon the reports, etc., made under the inmate monitor system? A. In no fair sense would that be a true statement.

Q. Isn't this report or the record of the inmate made up largely from the reports which are received through the inmate monitors? A. First I will say in reply, that no record of reports in relation to any man is wholly made up by prison monitors.

Q. I didn't say that; I said largely made up? A. What do you mean by the word "largely?"

Q. You don't need a definition? A. If you imply by the word "largely" that they are mainly made up from reports of inmate monitors, and that the report of the inmate monitor constitutes the accusations and record upon which the prisoner is transferred then I say no.

Q. Under what circumstances do you say yes? A. If you ask me the same question and let me explain it, I can give you an intelligent answer; we have an inmate monitor system, and we have a military system; we have a system of civil service, citizens who are employed, and no one of those systems is the exclusive agent that makes up the complete record in relation to any man, but all together; besides the record of transfers, when the condi-

tion is previous imprisonment for a felony or over age are made up by myself exclusively, without any agency of any other civil service officer or inmate monitor; but why not come directly to the question as to the agency of the inmate monitors in determining the fate of prisoners; that is what you are after, I see; I state broadly and generally, and will submit to a cross-examination for the rest of the week, if you would like to go on with it, that the inmate monitor system as it is guarded and supervised is no more likely to work injustice to the inmates than the system of marking which is now partially and might be with great difficulty wholly carried on by civil service guards and keepers.

Q. What per cent of those 608 inmates that have been transferred to prisons were ever retransferred again to the reformatory? A. I don't know; some have been; very small per cent.

Q. Do you believe that there has ever been ten per cent of them returned? A. I can give you an exact statement from the records; I should like to say, however, I have just ascertained out of all but 263 remain in the prison at present.

Q. I should expect to find them there now, ten years now some of them; what I want to know is this; do you know about what per cent of those men have ever been returned to the reformatory? A. I don't know; a small percentage, but suppose none have been returned; the implication of the question, it seems to me in my reply I ought to guard; it is a mischievious question.

Q. You have had forty years' experience, and I am endeavoring to find out from your experience what your ideas are about to my mind, this very peculiar feature of the law? A. The effect of the question and answer put in that shape is mischievious in its effect, is what I meant to say; allow me to say on this subject, in answer to those general questions, it does not seem to the witness a matter of very great moment whether the prisoner remains a long time or not, since if he is fit for rehabilitation, there are so many avenues for his restoration to society, and if he is not fit, if it is reasonably certain that on his release he will at once plunge into a course of crime again, we owe something to society for their protection.

Q. Under this law it rests entirely with you to say when a man is fit and when he is not fit to go into society again? A. No, sir; not true.

Q. Isn't it true that it is optional with you to say when to the board of managers, when an inmate shall be paroled? A. No, sir.

Q. Is there anyone else can say that to them? A. Anybody can say it.

Q. Is there anyone else can make that recommend to the board? A. Anybody else can make a recommendation the board will appoint to do it.

Q. Is it usual for anyone else to do it ? A. No,, sir.

Q. Isn't it understood when an inmate is placed in the reformatory he is not to be recommended by anyone else except yourself for parole? A. It is understood he will be recommended by the superintendent; none have been paroled except a few upon the recommendation of others.

Q. Is it true, generally at least, that so far as the inmates are concerned, it rests with the superintedent to say when they are or when they are fit to go again into society? A. No, sir; rests with the superintendent to make his recommendations; that is all.

Q. You spoke in your former examination that you reluctantly introduced into the reformatory the inmate monitor system? A. I presume I did; I don't recall it.

Q. Is that true? A. Whatever I stated was true; I don't think you need to ask me that again; I am under oath.

Q. You give evidence upon the occasion when this man Simmons was tried, did you not? A. I gave evidence in court; I was present at that trial, and I think I was called as a witness; I have no recollection of what took place.

Q. You gave evidence at the commencement of this investigation, describing the straps that were used and so on; I understood you to say you never had used but two straps? A. Two straps.

Q. Both had handles to them? A. Yes; I referred to the use of the strap after 1882; previous to that, as we stated, for five years there were only ten instances, and I don't know there is any other strap than these two; there might have been some other implement used on some occasion on one of those ten men between 1876 and 1882, but the only two straps that have ever been used under the spanking system are the two you have seen; one with the handle broken off.

Q. On a few occasions you used a piece of hose? A. Yes, sir.

Q. Never used any other strap? A. No.

Q. Upon any occasion ? A. No.

Q. Either before 1882 or since? A. No; not that I recall; I stated a moment ago that it is possible, I have no recollection of it, that between 1882 and 1876 some other implement than a strap may have been used, or some other piece of leather.

Q. Let me call your attention to the evidence which you gave upon that trial; the question is asked, referring to an inmate, "Can you state an occasion in which he was punished by being strapped? A. Yes, sir.

"Q. What was there of that ? A. I punished him myself with the same strap I used in the case of the Tibbetts.

"Q. Describe that strap? A. I could not describe it; it was made from a piece of sole leather, about two feet long, possibly two feet four or five inches; it was a soft piece of sole leather, at the lower end, running up a little thicker; I cut it out at the upper part a little, so as to be more easily grasped by the hand." A. Very likely, that might be so.

Q. So you may have, during the time that you have punished inmates by the use of the strap, have used three different kinds of straps? A. Not since 1882.

Q. Since you have adopted that method of punishment, you have used three different kinds of straps? A. I say, as I have said previously, there are only two straps that I refer in my testimony to the period since the adoption and general use of the corporal inflictions.

Q. I understood you to say, in your evidence before the investigating committee in 1882, that prior to that time there were perhaps ten instances where you had used a strap? A. Yes, sir.

Q. I understand from the record that upon the trial of Simmons before the court, you stated you had punished at least two with the strap, and you used a particular kind of strap which you then described; what I mean by saying since you have resorted to this method of punishment is, I mean from the first time to the present it now appears that you have used three different kinds of straps; is that true? A. It so appears; I am bound in justice to myself to say that when I testified I only used two straps, I only referred and had in mind the period since 1882; my testimony is not contradictory.

Q. I haven't said it was. A. It would appear so, without the explanation.

Mr. Stanchfield.—The offense for which Simmons was tried was committed in 1880.

Q. This question was put to you, and my attention is called to it, and it is proper I should call your attention to it, so if you wish to make any further explanation you can do so: "These two instruments are the only ones that you have ever known to be used for the purpose of punishing or paddling?" I am reading from the first evidence you gave last September: "A. Yes, sir; the only straps that we ever used;" now, upon having your memory refreshed, you wish that corrected in the manner indicated? A. Yes, sir; the ancient history you have brought forward recalls there may have been some other instrument.

Q. It is true the strapping runs back in ancient times? A. To the extent of ten occasions during the first five years of the early history of the institution.

Q. Before the legislative investigating committee of 1882 this question was asked you; "Describe the paddle. A. It was a strap, piece of sole leather probably two and a half inches wide, and the handle, as Junius states, was sewn, is my recollection of it;" do you recollect that? A. No; I couldn't recollect the testimony except as it is published and you read it; I presume I gave it.

"Q. He swears it was riveted? A. Junius says sewn; I swear positively there were no rivets at all; Tibbitt's statement of that is an entire fabrication, and the statement of Dunn as to the thickness is absurd; it was less than half an inch at the thickest part, where it joined on to the sole leather handle; you could not inflict any serious injury with it, and I did not.

"Q. Were there rivets in the handle? A. I think not; it was either sewn or two or three rivets in the handle to hold the two pieces together; my impression is sewn, as Junius says; there are no rivets in it.

"Q. Is it in your possession yet? A. No, sir; it has not been here in a year or two.

"Q. Do you know what has become of it? A. No, sir; probably it was burned up in a lot of rubbish in the Octagon; it was made by somebody in the institution; I used that paddle first on some transfers from Sing Sing in 1876; not used again until it came up in the latter days; then it was lost altogether;" A. I don't recall my testimony except as you read it but I assume it is so if you read it that way.

Q. Do you remember a witness giving evidence in Elmira by the name of E. A. McLaughlin? A. Yes, sir.

Q. Do you remember this question being put to him: "Q. Will you describe it? A. It was a piece of sole leather, somewhere in the neighborhood of ten inches and three feet long, and three inches wide, fastened on a wooden handle; the whole thing would measure five feet or more." A. I don't remember it.

"Q. How long was the wooden handle? A. The leather was somewhere between twenty inches and two feet; I never measured it; I should judge it was somewhere in the neighborhood of five feet or more.

"Q. Do you say the handle was longer than the strap? A. The handle was longer than the strap.

"Q. Was the strap one or two thicknesses of leather? A. One thickness." Do you remember that evidence? A. I don't remember the evidence; I never had such an instrument.

Q. Did you ever have an instrument of that kind with a handle as long as that? A. No, sir.

Q. I understood you to say on your direct examination that one of the reasons why the per cent of the inmates that had reached the first grade during the first six months, etc., of their imprisonment, the reason why that per cent was less in 1882, was that the crowded condition of the reformatory contributed to lessen that per cent? A. I am not aware that I have given any testimony on that subject.

Q. Will you explain the reason why the per cent of the inmates that advanced to the first grade during the first six months, as reported in 1892, is but 5.1 per cent, while in 1882 it was 38.7 per cent; do you think that the crowded condition of the reformatory has anything to do with that? A. I heard Mr. Hoppe's explanation of that; I haven't examined the statistics myself; I am sure from his statement they are somewhat misapprehended; I couldn't state and define in detail the fact that the overcrowded condition of the reformatory at any particular instance.

Q. I will ask you whether, from your experience, if the discipline is not necessarily more rigid in a prison or reformatory where there are fourteen or fifteen hundred inmates than it is in a reformatory where there are but five or six hundred? A. I don't see any relation in the difference of population and the system of discipline.

Q. You think the character of the discipline should be just as rigid with the small population as with the large; you think it is just as easy to control under the same rules and regulations 1,500 as it is 500? A. I gave no signification to your term "overcrowded;" I supposed you meant too many prisoners for the space; you mean a large or small number of prisoners in a prison with the same proportion of accommodation?

Q. Yes? A. That leads up to the question of what is the idea of maximum number of prisoners in a reformatory prison; my opinion has not changed upon the same basis of facts, but during the last fifteen or twenty years much progress has been made in organizing and controlling prisons; new systems have been established, so that while 500 were stated by myself many years ago to be the ideal number of a reformatory, I now hold, under the new system and the advanced facilities and experience for organizing and administering a thousand or 1,200 would not be excessive with suitable accommodations or apartments for them.

Q. It would be just as easy to control under the same rules and regulations 1,200 as it would 600? A. With the requisite additional appliances and influences, of course, it is as easy for me to control 1,200 as five.

Q. Would you have to have any more rigid rules? A. Not because of the large number.

By Mr. Litchfield:

Q. Do you consider 1,200 the absolute maximum? A. No; I am opposed to overpopulating prison establishments; no regulations of the maximum population of a prison is really determined by any ideal of this sort in this country, where our population is increasing so rapidly they are thrown in prison, and the prison grows without any idea of the ideal.

Q. What would be your ideal? A. My feeling about it now is, if I could have just what I want, the right number, with the facilities for it, I would like a regiment, a thousand or 1,200 men; that would be my unit.

Q. Would not the personal equation enter into that; can the colonel handle too many men? A. I think in my former statment that subject was up and I explained; if I did not, I should like to state what is in my mind.

Q. Whether the head of such an institution, whether his physical and mental powers can go beyond 1,000 or 1,200? A. You ask a question that involves quite a statement as to the administration of prisons, the old and the new, and the old ideal and the new ideal; the current ideal has been that for the moral improvement of man it matters little about his circumstances and occupations, but some great soul, good-hearted man is, by his personal persuasion and influence with each one, loving him as Jesus loved the world, is to gather him in and save him; we don't eliminate the personal equation; we don't eliminate that ideal; we recognize all the beauty and granduer of it, but it has been abundantly demonstrated that something more is required, something antecedent to that; when you take up the organization of a reformatory in the spirit of the Master, if you please, we should pervade it and put into it also human intelligence; taking things as they are you will find that a very large percentage grind out, as you might say, if it was a great machine, and go into society rehabilitated, having all accomplished for them that organized society can require, so that the remainder of the thousand or 1,200 who need more attention, who need this particular administration will come within the possibilities of a competent head.

Q. Have you not been somewhat handicapped in your administration by being obliged to have and maintain in the reformatory more than 1,000 or 1,200 men? A. Not materially; we have run up temporarily; we had last year 1,400; the difference of a single hundred puts more work upon us all.

Q. You have had an average of nearly 1,500 during the last year? A. For this year about 1,400, and the year before 1,300, and the year before 1,200; when you have reached such a large number the introduction or removal of fifty or 100 men is scarcely

perceptible, except as it adds to the work; we have not neglected anybody, only it puts me through more hours.

Q. Wouldn't your machine be more efficient if your numbers were reduced? A. We would be perfectly willing to reduce them; in short, I must say I have not neglected my duty in relation to these because of the excess of a hundred or so.

Q. Have not these difficulties with licentiousness arisen very largely from overcrowding? A. They have arisen not from an excessive, not of a large population within the prison establishment, but from the excess of men in comparison with the accommodations.

Q. You are obliged to double up? A. Yes; we can't maintain that separation, isolation, that we could if we had had plenty of room for the men we now have.

Q. You are a man of very great ability in handling reformatories, but if, for any cause; if, for instance, you should resign or if you should die, then would your successor be able to handle such a large establishment, would it not be wiser for him to take hold of a smaller establishment, and would not the general good in the end be promoted by having a smaller establishment? A. That is a glimpse into the future; God is great, and he is able to call to any work a competent man; I don't know how readily you might find a man to take my place; there are plenty who are willing to do it; we have often had that up in the board of managers, and I will say that I have myself never sought to organize the establishment so that I myself should be indispensable to it; I have always, in all the prisons I have had charge of, and have for years in this been getting heads of the departments so that it would go on easily and with reasonable success; it is capable of being organized so that the head of the establishment would not be so indispensable to it, as I have been, during the evolution of it.

Q. I think I gather from your answer that the machine idea runs through your management, a little more perhaps now than the personal? A. I would not like to say that; I must insist, in justice to myself, that I have the same profound personal interest in every man that I ever had, but as I said a moment ago, I have introduced agencies for the fitting of men for free life, that I had not and did not attach so much importance to when I expected a miraculous reformation for these men individually without myself having very much to do about it.

Q. When you only had a family of 500 boys it must have been easier for you to know there characters? A. That is a very natural thought, a reasonable inference ordinarily; but if you will study the organization and the daily accurate records, the

complete analysis and summarization of everything, and see the full extent of my personal intercourse with the men, I think you will feel there has been no lack of that.

Q. I think you have been gradually bringing it up from the family more into that of a military machine, where drill and discipline take the place of the former supervision? A. The ideal of the family is not the best ideal of an adult reformatory; the ideal government is a martial government, including within it the functions and organization of a civil government; the civil authorities, as in a besieged town, being allowed to proceed with their ordinary course, trying civil cases to the extent that it is safe to allow them to succeed, and when any disturbance arises, then the grasp of the martial law holds it in check; it seems to me that is as near a community as it is safe to go in organizing adult reformatories.

Q. Do you consider that the military discipline that you now have in use in the so-called regiment in the reformatory has been beneficial to the young men in inculcating habits of obedience and order? A. Of the greatest value; it is of great service in the preservation and perfection of their physical health first, two half days a week in the open air in the position of a soldier; the method of drill in the school of a soldier changes the appearance of those men.

Q. If you were a doctor you would say that throwing the shoulders back, and increasing the size of the chest, and holding the head upright were all beneficial to the general health? A. Without being a physician, I assume the upright, expanded chest and erect head is the natural position for a man, and therefore a healthy one; it is a great service, also, in the improvement of the habitual mental mood; by some strange law of our being, the expression of meanness in our facial expression gradually brings in the mean feeling itself, and so on the contrary, a mean man who is trying to walk, and stand and speak and do as a noble man gets, by some law which I am unable to define, gradual growth of the manly feeling; it is very serviceable in that direction; the bodily health, the improved mental, habitual mental feeling of a man as to himself and the discipline of it is good.

Q. It has been stated, I believe, or urged, that the training of the criminal classes in military movements is unwise? A. Mr. Walrath, on your board, came to us with that feeling, and spent a day there, and saw the dress parade, which I am sorry you never have seen, which is a very attractive and excellent one, he expressed my feeling about it as he went away; he says: "I have rather changed my view about it; not from any tinsel or glamor of military show, but it seems to me that if 80

per cent of the men who are trying to be soldiers become good citizens, they will probably take care of the other twenty."

Q. Have you observed in your experience, since you have had the military, which runs back five years, any change in the general health of the inmates as resulting for it? A. The term healthy, which would refer to some more proper medical officer, but answering your main line of inquiry, there has been a very decided improvement in the general appearance and bearing, and I think I may say in the general health of the men; I don't know how it would appear in percentages.

Q. Have you noticed in the statistics any difference? A. I haven't made any investigation in that direction, living among them we observe it; the growth of man is marvelous; I discharged a young fellow a week ago who had grown six inches and a half, and gained forty-five pounds.

Q. Do you attribute any of that growth and increase in weight to the military drill? A. It is a natural growth under favorable circumstances, to which the open air and the position of the body may have had something to do; we very often find this, that one who is beyond the years of growth, twenty-four or five years old, goes out measuring half an inch or an inch more, by simply straightening up.

Q. Would it not be wiser, rather than to increase this reformatory, to establish another reformatory elsewhere in the State? A. If another reformatory could be built and populated immediately I should feel with you about it; however, this truth needs to be well considered; you can not erect a reformatory probably in less than five years; this took a great deal more; during the five years we shall be greatly damaged by the influx of an excessive population of prisoners that ought not, for any consideration, to be sent to a worse place, State prison; it is vastly better to overcrowd us with all the evils than it would be to crowd them into State prison, and I apprehend also, I made a calculation a year or two ago about it, which made it very certain that by the time your new reformatory is done you will have a population for it without the possibility of reducing ours, so that the recommendation of the managers for our south wing was not intended to operate to increase the number of prisoners to be confined there, but only to find accommodation for those that will come.

Q. The fair inference would be it is wiser for the State to at once begin the erection of a new reformatory elsewhere? A. The State should begin it at once, and they should also give us some additional room the while, and with other apartments we greatly need to perfect our system; I want my kitchen and

restaurant, and then I think I agree not to ask for any more appropriations for building; I would not ask for this if the question was this, if by providing this appropriation more prisoners will be sent to Elmira reformatory than otherwise would be, I would not ask for it; we are not ambitious to extend our institution a single inch more; I hope you will get your new reformatory; I will be glad to aid it in any way.

By Judge Gilbert:

Q. I asked you some questions with reference to the proceedings connected, or matters connected with the court-martial that was held prior to sending the men in January, 1893, to Auburn, and I asked you one question with reference to the man Facey, calling your attention to what occurred in the bathroom on the day that Facey gave his evidence before that court-martial; can you state positively how many times Facey was punished that day? A. I stated my recollection is once, and the records will show surely, and they are in evidence.

Q. Can you state from recollection that he was not punished twice on that day? A. I am entirely confident he was not punished but once.

Q. Will you state positively he was not? A. I couldn't make a more positive statement in any other language; I am entirely confident, and I am as positive as a man can be who is entirely confident the statement he makes is correct.

Q. Why can't you answer directly my question? A. Because I prefer to put it in my own language, if you will allow me.

Q. I asked you if you can state positively? A. I won't bandy words on the subject; I don't mean any disrespect, but it seems to me a proper privilege for a witness to place his answers in his own language; I am very positive.

Q. I want to know whether you mean by the very lengthy answer you have given, to convey the idea that you are positive or not? A. I am positive.

Q. You recollect the number of blows he received? A. I do not; I could tell by referring to the record.

Q. Do you remember whether or no you punished him until he consented to go before the court and give his evidence? A. He consented to go before the court and give his evidence.

Q. Do you remember whether you punished him until he gave that consent? A. No; I think I did; I know he gave the consent at the time.

Q. Was the object of the punishments to compel him to make a statement before that court? A. The object of the punishment was to compel him to make a statement before the court.

Q. And the sole object? A. No.

Q. What other object had you? A. It had relation to Facey himself; so long as Facey was in possession of fact of criminal conduct againt the laws of the State of New York, and so long as he concealed from the officers of the law and from the government of the reformatory in the interest of the criminals those facts, he was not in the line of preparation for free society, and part of the object was to start him in again on a basis of truth in our relations with each other.

Q. You punished him then because at the time you administered the punishment, or one of the reasons why you punished him was because at the time you punished him you knew that he was guilty of the offense charged? A. We knew that he was in possession of information on the subject; we had abundant evidence of that outside of any statement he can make; you ask me what it is; I couldn't tell you without going back to the records; but I state that Facey was, as the sequel proved, in possession of criminal information or information about the transactions; exactly what the information he had was I didn't direct him to develop, only to make a statement of the truth.

Q. Do you mean to say that previous to this punishment you had made the inquiry in reference to the matter, and that you found that Facey was guilty or that he had in his possession facts relating to the matter that you desired him to disclose? A. The impression, justifiable and confident impression, was made upon my mind that Facey knew about it.

Q. Do you mean to say now that you were punishing that lad with the paddle simply because you were under the impression that he was in possession of facts that were material to be presented upon that hearing? A. Yes and no; if by the word "impression" you mean a certain and indefinite and doubtful impression, then I say no; if you say an impression justified by the facts revealed, then I say yes; perhaps impression is not a felicitious word; I had what to me was sufficient knowledge that Facey knew about these transactions, and I insisted that Facey should give his testimony, whatever it might be, one way or the other; he was in contempt; he refused to testify.

Q. Had you gained that knowledge from any inquiry or investigation where Facey had an opportunity to face those that claimed that he was guilty? A. I gained the information from communications made to me by the members of the court then in session, as to testimony of facts that had come out in the course of the examination which unquestionably involved Facey, a knowledge of these transactions.

Q. A part of that punishment or one of the reasons why you inflicted that punishment was that those who were holding the court had informed you that in their opinion or judgment Facey knew facts that he ought to disclose upon that hearing? A. Yes; informed me and gave me the basis of their information.

Q. Do you mean to say that you inflicted that punishment because of that information? A. I have stated a moment ago that I inflicted the punishment because of two ends I desired to accomplish.

Q. Whether or not it was customary for you to inflict punishments of that kind without having an investigation in reference to the charge against the man punished or without giving him an opportunity to defend himself? A. I am not accustomed to inflict punishments of that sort without having investigated it; I have inflicted a punishment of that sort not without bringing the man before me, the formal legal trial that is, in the mind of the judge, in those questions.

Q. I understood you to say you told Facey at the time that it was necessary for him to tell what he knew about it? A. Yes.

Q. In order to bring himself into proper relations with you so that you and him, so far as your duties connected with the reformatory were concerned, and his duties as an inmate were concerned, that you could move along together? A. Yes, sir.

Q. At the same time you knew, or believed you knew, that he was guilty of this offence? A. What offence?

Q. I don't know? A. I haven't heard anything about an offense of which Facey was guilty; I haven't said anything about it; I haven't said he was guilty of any offence.

Q. What did you punish him for? A. I have explained to you a moment ago.

Q. Do I understand you now to say you were punishing him at a time when you didn't know whether he was guilty of any offense or not? A. I punished Facey for the reasons I stated; I didn't punish him in the sense in which you used that word; I treated Facey with spanking because he had knowledge which would enable us to proceed with the investigation of this nastiness which he refused to give up.

Q. What do you mean by "nastiness?" A. I mean licentiousness.

Q. Then that was a charge against him? A. He wasn't charged with licentiousness; he might or might not have been; it was an investigation going on.

Q. Wasn't it claimed he was guilty of improper conduct with other inmates? A. It was claimed he knew.

Q. (Question repeated.) A. I think it was at some time in the proceedings, but whether that charge had been formally made at the time I had him in the bath-room I am unable distinctly to state.

Q. Weren't you insisting he should disclose to you all the particulars in reference to it? A. No, sir; I was insisting he should give his testimony before that court.

Q. You were insisting upon that because you believed or claimed you knew he was in possession of facts that would establish that charge against those who were accused? A. No, sir.

Q. Then why were you insisting upon giving evidence before that board? A. Establish or disprove it as the case might prove.

Q. Were you punishing him for the purpose of compelling him to go before the board to make a statement to the effect that the parties charged were innocent? A. I was neither punishing him to go before the board to make a statement that the parties were innocent or guilty; I was simply insisting he go before the board and make a statement.

Q. Hadn't he been before the board and insisted to the board that he knew nothing about it? A. I don't know whether he had or not; he told me, when I first brought him to the bath-room, he would go before the board and make a statement.

Q. Wasn't he brought before you, in the first place, because it was claimed to you by Mr. Hoppe that he refused to make any statement? A. Certainly.

Q. Wasn't it stated there he claimed he didn't know anything about it? A. I think it was; I don't know whether he said he didn't know anything about it or not.

Q. Didn't he, when you took him to the bath-room, claim the same thing, he didn't know anything about it? A. No, sir.

Q. Did he take the position there he did know about it, but he wouldn't tell? A. My first conversation with Facey was like this —

Q. (Question repeated.) A. I don't recall what his conversation was with me; he assented to my allegation, either orally or by making no denial that he knew about it, and says: "Yes; I will go down and tell them something of that sort.

Q. He was in the bath-room twice? A. Yes; he went down and then he wouldn't tell them.

Q. After he had been there the first time he went before the board and still refused to tell? A. Yes, sir.

Q. Then came back and was punished? A. Yes; and then he did tell.

Q. As far as Facey himself was concerned, all you said to him in reference to himself, his conduct, was that you wanted him to tell all he knew about the matter, so that, as you have stated before, you could move along properly or in a friendly way together? A. I suppose you do not intend to ask a question that implies a contradiction of the testimony I have just given, and therefore I beg to correct you; I stated that there were two objects.

Q. I understand that; I am asking you now; you stated to me that you desired him to make a full statement so he could start off on this new plan? A. I stated both reasons.

Q. How many days after that was it before Facey himself was sent to Auburn prison? A. Go to the records; I don't know.

Q. A very few days? A. No necessity for my guessing about it; you have the record right there; the whole transaction was within a month, I think.

Q. Did you have any conversation with Facey after that one that you had in the bath-room, and before he went away? A. Yes, sir.

Q. Where was that? A. In my office that you first described, as I began my examination; I called each one of those men before me one by one, in the presence of some other officer; I don't remember whether it was the colonel; I interrogated them as to their situation now in connection with this charge and trial, often saying as he sat down: "Well, how could you do this?" that was a very common way I had of approaching them, when they would say how they came to do it; one of the men was brought before me under those circumstances.

Q. As far as Facey's case is concerned, it stands substantially in this way; you had him taken to the bath-room, and there you punished him until he was willing to go before this board and admit his guilt; then you brought him before you and said to him: "Facey, how could you do such a thing?" the next step was to send Facey, upon the strength of what you had compelled him to state, to Auburn prison; didn't you? A. He was sent to Auburn prison, but not for that offense, as a punishment.

Q. Wasn't that one of the reasons? A. One of many.

Q. Do you mean to say you would have sent him there independent of any charge of that kind? A. Possibly so; I don't know; I am unable to canvass this moment all the reasons that entered into it.

Q. (Presenting same.) As I understand you, frequently, before inmates were punished, written notices were served upon them; will you examine that and see if that is one of the notices that

was served? A. I think it is; yes, sir; I recognize having written some such notices as that.

"3761, Rosensteel, 23, 9, 91.

"I have made a very careful inquiry into your capacity for study, having consulted Mr. Ogden, and referred to your record here; I can not reduce you in class; you will probably be permitted to remain in P one; unless you pass your examinations now I will apply to you every month physical treatment.

"General Superintendent."

Q. (Presenting same.) Is that your note? A. The note is mine; the emphasized type is not mine nor directed by me.

Q. It is one of the notices? A. Yes, sir; plenty of those.

Q. (Presenting same.) Is that one? A. Yes; that note contained a little simple, perhaps silly, pleasantry.

The witness identifies several notes. The following are copies:

"3440, Moses W.

"We will find you in the wilderness; that is to say, in more modern language, we will have you in the bath-room if you don't get on without reports ? ? ?.

"26, 4, 1893. "Genl. Supt. W."

"4, 4, 1892. 3440, Moses.

"If you get reports enough after this date this month to lose a mark I will spank you.

"Genl. Supt. W."

"24, 10, 1892. 3440, Moses.

"The records are a little confused in your case, but to straighten them out I give you notice that when you get reports enough after this date this month to lose a mark I will spank you.

"Genl. Supt. W."

"22, 9, 1893. 3440, Moses.

"If you get enough reports after this date to lose a dollar I will take you up vigorously. You know to what I refer. Avoid the reports and avoid vigorous treatment.

"Genl. Supt. H."

Judge Gilbert.— The record with reference to 3440, Moses, in connection with the notice, service August 25, 1892, in which it is stated: "You have reports enough to lose a mark since I spanked you on the third;" the only paddling the record shows

is on the 23d of May, 1892; no record showing the paddling on the third of any month.

Q. What does "General Superintendent, W." mean? A. That was the one to whom it was dictated.

Q. You dictated the notices to the stenographer? A. Yes, sir.

Q. Do you know whether copies of those notices are preserved? A. They are copied.

Q. Preserved in the records? A. In a letter press copy-book.

Q. In the notice which seems to bear date in pencil September 23, 1891, I find this language: "You will probably be premitted to remain in P. 1, but unless you pass the other examination now I will apply to you every month physical treatment. General Superintendent;" is it true that you applied physical treatment, as it is termed, to inmates who failed to pass the examinations in the school or connected with the school? A. It is not true as a general rule; it is true in exceptional cases.

Q. They were punished for that? A. Yes, sir.

Q. In connection with the statement that you made quite at length some time ago in reference to the opportunities which were given to inmates that had been transferred to a State prison to be returned again to the reformatory, I call your attention to that letter and see if that is your signature to it? A. I am perfectly willing to father that letter.

Q. That is your signature? A. Yes.

The following is a copy of the same:

"Elmira, N. Y., Feb. 24., 1891.

"James O'Connor (20908), State Prison, Auburn, N. Y.:

"I have yours of the twenty-third instant, asking any aid I might possibly render you in securing your release. I have nothing to add to the communications I have previously made to you and others who have corresponded with me about you. Communications which include the declaration that I could not consistent with my duties to society, exert any influence I might possibly possess to turn loose upon society again a man of your character, as I know you, and as I have been informed your character has been during your stay at Auburn. You are a defective specimen of humanity, yourself not to blame for it possibly, but, nevertheless so defective that you could not, when you had an opportunity live at liberty without jeopardizing the safety of the property and lives of others. If you were really right minded you would not, after all that has been done for you, for one moment make another appeal for liberty, but would ask the fates to close the doors of a modern prison-house upon

you for the remainder of your days, not only for the good of society outside but for your own real welfare. Try and settle down, James, and be satisfied with your present situation, for I am sure it is vastly better in every way than any situation you could obtain if you were entirely at liberty.

"Yours.

"Z. R. BROCKWAY,

"Genl. Supt."

Mr. Stanchfield.— We have his record here.

1430, James O'Connor.

Received July 14, 1893. Robbery, second degree. Maximum fifteen years. Age, 21 years.

After the general superintendent had been notified by inmate Lissauer that O'Connor was once a prisoner in Sing Sing, O'Connor admits to the superintendent on December 12, 1885, that he has served eleven years altogether in prison, three terms on Blackwell's island, and one term in Sing Sing.

Entry in Biographical Register made at the time of admission, reads as follows: "This man is evidently a bad-tempered man, with epileptic tendencies, and should be handled with caution."

February 1, 1884. Promoted to first grade.

September 14, 1885. Paroled.

December 14, 1885. Returned for violation of parole and placed in third grade.

December 19, 1885. Transferred to Auburn State prison.

December 12, 1887. Transferred from Auburn State prison to insane asylum.

June 4, 1888. Returned from insane asylum to Auburn State prison.

July 2, 1892. Sentence commuted by the Governor.

Judge Gilbert.— The prosecution claim, inasmuch as Mr. Brockway has stated the inmate monitor system was not adopted until the military system was adopted some time in the year 1888 or 1889, for the purpose of contradicting that they offer to show the report of the investigating committee made in 1886, in which that committee state they investigated that system and condemn it in the report.

Q. (Presenting same.) Will you read that over and see if that strikes you as being a copy of the report of the investigating committee? A. I don't know whether that is a part of the report or not.

Judge Gilbert.— In reference to the propriety of receiving an extract from the report which was made by tht investigating committee, appointed by the Legislature in 1886, by which it

seems that the committee investigated this subject of inmate monitorship, and made a report in reference to it condemning that system.

Mr. Brockway.— That is not a committee of the Legislature.

Judge Gilbert.— Made a report to the Legislature, and this is offered in evidence. The question is whether it should be received.

Mr. Litchfield.— We will admit the extract subject to the rule; the defense may introduce the whole.

Mr. White.— It is the whole of it so far as it relates to the Elmira reformatory.

Mr. Babcock.— We want an objection upon the record as being improper in any sense, not proper in any aspect.

Mr. Stanchfield.— I don't see how it would be binding upon anything you would do as an investigating committee. Here is a voluminous report, and they pick out an extract from it relating to that system in the institution; I don't see.

Mr. Litchfield.— As this is an inquiry after facts and this committee must and can take cognizance of legislative reports, what might not be competent in a court of law might be competent here, and this is a contradiction of dates.

Mr. Babcock.— Only admitted for that purpose?

Mr. Litchfield.— Only admitted for that purpose.

Mr. Babcock.— The Legislature never acted upon that report.

Mr. Litchfield.— It is admitted only for the purpose of contradicting the dates.

Mr. Babcock.— Who signed this report?

Mr. White.— I don't think it is signed here at all.

Mr. Babcock.— Who was the committee?

Mr. White.— It is an extract from Senate document No. 36, session of 1887; it is the report of the prison labor reform commission, appointed in 1886?

Mr. Babcock.— Who were the commission?

Mr. White.— I don't recollect. I did know all about it.

Judge Gilbert.— As I understand it, the prosecution offer in evidence so much of Senate document No. 36, session of 1887, as is embraced in the memorandum of copy submitted.

The following is a copy:

(Report of Prison Labor Reform Committee, appointed May 20, 1886, under chapter 432, Laws on 1886.)

From Senate Document No. 36, session of 1887.

ABUSES AT ELMIRA REFORMATORY.

The reformatory at Elmira has been in operation but little more than ten years. It is an experiment in the ordained work

of reformation, standing as such alone of its peculiar type among the penal institutions of this country. It is governed under a special law, the better to secure to its management the fullest privileges as a reformatory experiment. Designed for only first offenders and young men between the ages of 16 and 30 years, a system of grades, regulated by another system of marking has been adopted which, in turn, under advancement, results in parole. Very widely this institution is known as a highly successful one, the reports showing excellent results, especially in the work of reforming convicts.

During a lengthy investigation into the affairs and management of the Elmira reformatory, the commission directed its chief inquiry as to the real results in reformation accomplished under the system there in force. The investigation does not bear out the claim of estimated reformation among the paroled men. The last annual report declared the percentage to be eighty-four. The facts, sustained by abundant and competent proof, coming from the superintendent and his principal officers, shows this claim to be greatly exaggerated, as well as that is arrived at by estimate or guess work, instead of proof or a competent knowledge of the facts.

Many of the officers employed are unskilled and incompetent. The salaries paid are not sufficient to attract the service of competent men, and even the low maximum of salaries allowed by law are not in many instances paid. This has the natural tendency to frequent changes of officers, which is at least conducive to the training of prison officials, even if it be held that such results do not tend to defeat the principle of discipline or hinder its progress. Within a little more than eight months, in the year 1886, there were no less than forty-one changes of officers. The commission earnestly recommends the payment of increased salaries to officers and the employment of more efficient ones.

The whole scope of the investigation reveals proof that the employment of inmate officers to act as guards, keepers and monitors, as well as the reports made by inmates against each other, has a pernicious influence upon the discipline of the reformatory. In the hands of such are largely intrusted the fate of those over whom they are given authority to report delinquences of conduct, of labor and the progress of education. It is thus within the power of convicts to degrade other convicts in rank, to delay their return to society under parole, and to inflict punishments. The measure of discontent and dissatisfaction arising from this source, filled many pages of testimony. This feature of the system is objected to by nearly every officer, the board of managers, and by every inmate. Upon the reports made by these convicts in great measure

depends, whether justly or otherwise, whether from pique or prejudice, the fate of the inmates. From these reports, which are rarely changed upon an appeal, the superintendent selects the lists from which paroles are determined. A practice so open to abuse, so unsatisfactory to those involved, and so clearly unjust, can not be commended and must be condemned. Only citizen officers should be employed in whatever capacity. The argument of the economy is not tenable, for the convicts thus employed or favored, if put to productive tasks, would earn well towards the cost of other officers to take their places. And high above every consideration of profit or even economy is such an institution, rises, or ought to rise, the interests of reformation.

The commission has given considerable time to an investigation of the Elmira reformatory, and taken a volume of testimony, from which so much of the conclusions as have herewith been presented were derived. This investigation is not yet completed.

By Mr. Babcock :

Q. Did you in stating the number of straps used in the reformatory as two, refer to the number had in use since spanking was adopted in 1882, as a habit or system? A. Yes, sir; that is all I had in mind.

Judge Gilbert.— Is there anything further?

Mr. White.— I have in my possession considerable more information that I thought would be of use in cross-examining, and I would like to have that appear on the record.

Mr. Litchfield.— I think the committee is satisfied with the testimony taken.

Judge Gilbert.— Is there any further evidence on the part of the defence?

Mr. Stanchfield.— That is all.

Judge Gilbert.— On the part of the prosecution, they offer in evidence some extracts from the records furnished by the reformatory.

Mr. Litchfield.— At the time these abstracts of the records were furnished to the committee by Mr. Hoppe, the committee noticed they had not been footed up, in the hurry to furnish the information desired. Mr. Hoppe said that would be done later on, and inasmuch as it would take considerable time the committee directed that should be done by their own clerks, and that is merely a summary of three volumes of abstracts furnished to the committee already in evidence. We wish it in the record.

Judge Gilbert.— They wish to call attention particularly, total number of blows estimating through the letter T aggregates 19,497.

Mr. Brockway.— There is no letter T.

Mr. Gilbert.— The total number of punishments 2,578, and the average number of punishments per year 515 for each of the five years; the average number of blows at each punishment was 7.56.

Mr. Stanchfield.— Can it be added that the whole number of men spanked is 1,150?

Judge Gilbert.— Mr. Hoppe thinks upon one or two occasions the letter T was used in the old records.

Mr. Litchfield.— The figures the committee wish to put on the records are as follows : Total number of men paddled during the five years, number of individuals was 1,146. Total number of spankings, 2,578, divided as follows : In the year ending September 30, 1889, 261; year ending September 30, 1890, 480; year ending September 30, 1891, 535; year ending 30, 1892, 621; year ending September 30, 1893, 681.

In re the New York State Reformatory at Elmira.

Summary of abstract of disciplinary records for the five years from October 1, 1888, to September 30, 1893:

| | |
|---|---|
| Inmates paroled | 1,615 |
| Maximum or minimum term expired | 207 |
| Transferred to State prisons | 586 |
| Transferred to insane asylums | 8 |
| Died | 65 |

Remaining in reformatory:

| | |
|---|---|
| In upper first grade | 405 |
| In lower first grade | 641 |
| In second first grade | 363 |
| | 1,409 |

| | |
|---|---|
| Number of "written notices" | 18,681 |
| Number of "admonitions" | 1,678 |
| Number of days in "rest cure" | 6,931 |
| Number of days in "seclusion" | 678 |
| Number of "spankings" | 2,589 |

Of those spanked:

| | | |
|---|---|---|
| 19 | received "A" blows | 1 |
| 71 | received "B" blows | 2 |
| 143 | received "C" blows | 3 |
| 390 | received "D" blows | 4 |
| 170 | received "E" blows | 5 |
| 410 | received "F" blows | 6 |
| 68 | received "G" blows | 7 |

337 received "H" blows ..... 8
64 received "I" blows ..... 9
24 received "J" blows ..... 10
182 received "K" blows ..... 11
577 received "L" blows ..... 12
6 received "M" blows ..... 13
7 received "N" blows ..... 14
18 received "O" blows ..... 15
23 received "P" blows ..... 16
3 received "Q" blows ..... 17
11 received "R" blows ..... 18
3 received "T" blows. ..... 20
10 received LL blows.
22 received Lx blows.
1 received L x 2 blows.
1 received LL blows.
4 received L x 2 blows.
1 received L x F blows.
1 received L x B blows.
1 received L x R blows.
1 received L x 4 — 16 blows.
1 received Dx blows.
1 received "D" blows.
1 received "H" "D" blows.
1 received L x X blows.
1 received L x L blows.
16 received (not stated) blows.

Schedule relating to the number of inmates of the New York State Reformatory during the five years, from September 30, 1888, to September 30, 1893.

Number of inmates:

| | |
|---|---|
| September 30, 1889 | 944 |
| September 30, 1890 | 1,102 |
| September 30, 1891 | 1,290 |
| September 30, 1892 | 1,396 |
| September 30, 1893 | 1,409 |

Whole number of inmates during the year ending:

| | |
|---|---|
| September 30, 1889 | 1,393 |
| September 30, 1890 | 1,539 |
| September 30, 1891 | 1,820 |
| September 30, 1892 | 2,002 |
| September 30, 1893 | 2,089 |

Average number of inmates during the year ending:

| | |
|---|---|
| September 30, 1889 | 922 |
| September 30, 1890 | 1,070 |
| September 30, 1891 | 1,204 |
| September 30, 1892 | 1,397 |
| September 30, 1893 | 1,470 |

Total number of paddlings for the five years from September 30, 1888, to September 30, 1893:

| | |
|---|---|
| During the fiscal year ending September 30, 1889..... | 261 |
| During the fiscal year ending September 30, 1890..... | 480 |
| During the fiscal year ending September 30, 1891..... | 535 |
| During the fiscal year ending September 30, 1892..... | 621 |
| During the fiscal year ending September 30, 1893..... | 681 |
| | 2,578 |

Of the 261 paddled in 1889:
2 received A number of blows.
5 received B number of blows.
4 received C number of blows.
22 received D number of blows.
13 received E number of blows.
45 received F number of blows.
8 received G number of blows.
41 received H number of blows.
16 received I number of blows.
6 received J number of blows.
12 received K number of blows.
58 received L number of blows.
1 received M number of blows.
2 received N number of blows.
7 received O number of blows.
6 received P number of blows.
4 received R number of blows.
7 received (not stated).

Of the 480 paddled in 1890:
.. received A number of blows.
8 received B number of blows.
13 received C number of blows.
36 received D number of blows.
32 received E number of blows.
61 received F number of blows.
14 received G number of blows.

60 received H number of blows.
20 received I number of blows.
6 received J number of blows.
42 received K number of blows.
150 received L number of blows.
3 received M number of blows.
2 received N number of blows.
6 received O number of blows.
13 received P number of blows.
2 received Q number of blows.
6 received R number of blows.
6 received (not stated).

Of the 535 paddled in 1891:

4 received A number of blows.
13 received B number of blows.
34 received C number of blows.
49 received D number of blows.
23 received E number of blows.
75 received F number of blows.
15 received G number of blows.
48 received H number of blows.
8 received I number of blows.
2 received J number of blows.
57 received K number of blows.
180 received L number of blows.
2 received M number of blows.
1 received N number of blows.
5 received O number of blows.
3 received P number of blows.
1 received R number of blows.
5 received (not stated).

Of the 621 paddled in 1892:

7 received A number of blows.
14 received B number of blows.
36 received C number of blows.
113 received D number of blows.
46 received E number of blows.
108 received F number of blows.
10 received G number of blows.
106 received H number of blows.
11 received I number of blows.
6 received J number of blows.
38 received K number of blows.
104 received L number of blows.
.. received M number of blows.

1 received N number of blows.
Of the 681 paddled in 1893:
6 received A number of blows.
31 received B number of blows.
59 received C number of blows.
165 received D number of blows.
55 received E number of blows.
120 received F number of blows.
21 received G number of blows.
80 received H number of blows.
8 received I number of blows.
3 received J number of blows.
37 received K number of blows.
80 received L number of blows.
13 received L plus number of blows.

The total number of blows, down to and including the letter T, aggregate 19,497.

Twenty-five hundred and seventy-eight, divided by five, equals five hundred and fifteen and six-tenths, average number of paddlings each year.

Nineteen thousand four hundred and ninety-seven, divided by twenty-five hundred and seventy-eight, equals seven and fifty-six-one hundredths plus, the average number of blows each.

Mr. Stanchfield.— If the evidence is all in I want to make a request, speaking for Mr. Babcock and myself, I desire spread upon the minutes in behalf of both the superintendent and board of managers of the New York State Reformatory, for an opportunity to be heard before the full Board of Charities at such a meeting as they may regularly hold or specially designate for the purpose, some time in the future. We predicate that request upon a fact that must have been apparent to the chairman of the committee, who has been in attendance during the entire investigation, that the volume of evidence, its magnitude, is such that it could not be asked of men engaged in active business pursuits, or of such men as compose the personnel of the Board of Charities, that they would read in detail all the evidence that has been taken during the progress of this investigation, and its importance is such and its results may be of such consequence, both to the institution and the superintendent, that I ask here the right to attend, after the stenographer's minutes shall have been gotten out, and present the views of the board of managers and the superintendent to the Board of Charities, as a whole.

Mr. Litchfield.— If the board of managers or their counsel will address a written communication in due form to the president of the State Board of Charities, it will be considered in due form.

This committee would have no power to grant or refuse the request. You should present it in due form to the president of the State Board of Charities, and it will be duly considered. Is there any other business? If not, this investigation stands adjourned, sine die.

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## INTERVIEWS WITH INMATES.

Wedneday, October 18, 1893.

William Hansen, 3758.

Examined by Mr. Craig:

Q. How long have you been in the institution? A. Will be four years the fourth of this December.

Q. Didn't get out in one year? A. No, sir.

Q. How many times have you been in the red grade? A. Three times.

Q. You are in the upper first now? A. Yes; have been in the upper grade four months the last time.

Q. You requested a private interview in your letter? A. Yes.

Q. We should not have asked for you at this time unless you had requested a private interview; is there anything you wish to state in addition to the arguments in your letter? A. Well, simply I would like to ask of this committee, as I consider it, and put my case briefly before you men; this last time that I was reduced to the red suit I was reduced as innocent a man as you are, and to put it plain, I may as well try to get blood out of a stone.

Q. You have stated that in your letter, haven't you, why you were reduced; it was the tobacco question and accusing you of trying to escape? A. Yes, sir.

Q. You have nothing more to state, except what you stated in your letter? A. No.

Q. We propose to call you and examine you under oath in the ordinary hearings, and to assure your protection so you will not be interfered with on account of your testimony; at some future day we shall call you; if the statements in your letter are true we will examine you in reference to them; I want to ask you one point; you say you have seen men coming from the bath-room dripping with blood? A. Mr. McNish has ordered me to clean blood up from the bath-room door.

Q. Have you seen them coming dripping with blood? A. Yes; with their pants down.

Q. We will call you and you can testify to it; give the names of those? A. Cleere; I don't know his number.

Q. Is he here now? A. No; he was up in the hospital so long, and there was a great piece in the New York World about it, I know; there are a number if I could have time to think of them.

Q. You think of them and bring them when you are sworn; did you ever see anybody coming from there with their coats over their heads? A. Yes, sir; that is a common occurrence, and at one time I was down there and was getting soft soap at the back end of the hall, and I heard one of them say at the last moment: "Oh, Mr. Brockway, I never took the hose;" and I know a personal case, then boy never took the hose, and he got thirteen raps, and after thirteen raps it was found out he never did take the hose, because the hose was misplaced in the shop.

Q. Who was this boy? A. He went home about two months ago; Green; he worked in the cabinet shop; I don't know his consecutive number.

Q. Have you, yourself, ever been paddled? A. No; they threatened me.

Q. What is the greatest number of blows anyone ever had, that you know of? A. I know nothing more than what I am told by the boys at the time.

Q. Who knows that hose was found? A. I don't exactly know.

Q. Who did you hear tell so? A. Green himself, and Eldridge, 3687.

Q. Anybody else? A. I couldn't tell just now.

Q. When you are called under oath we expect you to tell the truth and we want you to tell what you know and think it over beforehand what you really know; if there is anything you have heard that will enable us to call another witness we will do that? A. Fifty-two hundred and forty-eight, White; you examine his backside; I seen him come fifteen or twenty minutes after he had been paddled; he couldn't do his task; I worked on the same machine and I tell you it was impossible to do your task on that machine; when he told Mr. Brockway he couldn't do it, "I will help you," he says.

Q. Do you know any other witness? A. Thirty-four hundred and forty, Moses; he has been paddled many a time; I have seen his backside.

Q. Is 5248 in the reformatory now? A. Yes, sir; in the black suit.

By Judge Gilbert:

Q. What have you seen with reference to their coming out of the bath-room with their heads cut and face blackened? A. I have seen a number of different ones; I hold position as head hall-

man, and I seen the men coming out of the bath-room with their coats over their head, and one time there used to be a marble table in there and one of the men paddled down there I seen his head cut terribly; Van Alstyne, 3796 or 3795, it was, either one of the two numbers; he came out with his head all cut open, that Mr. Brockway had kicked him up against the marble table, and one end was broke off and he had cut his head terrible; I helped McNish, he was over me, he was a citizen, I helped him and the principal keeper, Winnie, take him down to the reception-rooms, and back of that is the solitary, and I have cleaned it out many a time; 3795 and 3796 is in Auburn State prison now.

Q. Did you ever see any punishments inflicted in any other room than in the bath-room ? A. Yes; on the rest cure; I have seen them locked in weeks and weeks.

Q. Paddled or blows struck ? A. No, sir.

Q. How was it on the rest cure ? A. If I had time to think I could give you dozens; there used to be a lower grade than the red suit, men was taken out and run around if they got one report or two report; it was an awful strict place.

Q. What were you convicted of ? A. Forgery; I plead guilty.

Q. Was it true ? A. Yes, sir.

Q. First offense ? A. Yes, sir; I got going too fast with a certain party, and I couldn't get enough money; I have a trade I can make three and three and a half a day.

Q. Has any officer cautioned you in any way about what you were going to say here ? A. No, sir.

Peter Le Fleur, 3968:

Q. How long have you been here ? A. This is three years and seven months.

Q. You have been in the red grade ? A. Once.

Q. For what ? A. Two years ago I was paroled here as night watch; I went down on the twenty-second of March, a year ago, with a man named Chamberlain, to buy some underclothing, and he left me to purchase a hat, and while he was going to buy his hat and I went to go to the store to get the box of underwear, and I was to meet him at the hotel corner of the Rathbun House; I waited for half an hour or so for him, and he never showed up, so I went in the Rathbun House; here we became separated, and when I came back here I went to the quarters and went to bed, and that afternoon at 3 or 3.30 I was taken down to the bath-room and put in the red suit; about a week afterwards I was taken out of my room, I was chalked in 671, then I was brought up here on the floor and assigned to work; the superintendent wouldn't tell me what he put me down for or anything of the kind; I

couldn't find out what I was chalked in for or reduced for; the following Friday night he gave me an interview and told me I was reduced for going into a questionable house.

Q. What house was it? A. He accused me of going into a sporting-house.

Q. Did he describe the place to you? A. No, sir.

Q. Did you go in? A. No, sir; he has no proof whatever that I was in.

Q. What is it you wanted to say to our committee? A. I wanted to lay this case before you and show you I was returned from parole without cause of any kind, and was reduced without a word of explanation or an interview of any kind; in January, I claimed then to the superintendent I was reduced unjustly, and wanted him to restore me to the parole suit or send me home, and he refused to do either; said the grade wasn't low enough for me; I knew then there was no use speaking anything further about it, and I went on to my work, and in six or nine months I gained the blue again, and on the following Christmas day —

Q. Were you convicted or did you plead guilty that sent you here? A. I plead guilty.

Q. What was the offense? A. Grand larceny.

Q. Was it true? A. Yes, sir.

Q. You want to be called as a witness under oath? A. Yes, sir.

Q. At some future time, not this week, we shall call witnesses under oath, and if we think your case differs from other cases we have proved we may call you? A. I claim that I was reduced unjustly again last January; I was reduced from the blue to the black suit; I was called down to No. 4 last January as a witness in this licentious affair brought to light last January; I was reduced for positively nothing; I roomed next to one of the men that was making a woman of himself, and I was reduced because I roomed next to that man, and for not reporting conversations I never heard; I admitted of hearing talk going on in the hallway, but I denied ever knowing what was said or seeing who did the talking, and because I didn't hear and couldn't see the man I was reduced.

Q. No other charge against you? A. No, sir.

Q. Do you want to appear before the committee and be sworn? A. Yes, sir; I have thirty-nine nine's to my record since I have been here.

By Judge Gilbert:

Q. Have you ever seen anything in reference to cruel treatment? A. I have seen a good deal while on night watch; I have seen men in pretty bad condition.

Q. Where? A. In the rooms; they have shown themselves to me.

Q. Do you know where they got their bruises? A. I know they got them in the bath-room.

Q. How do you know that? A. I have seen the men chalked in the rooms at night, and I have seen them come out of the bath-room at noon.

Q. What have you seen with reference to bruises upon them when they came out? A. I have seen their posterior all colors of the rainbow, to use the phrase; I have seen men in the room at night that couldn't lie down either on back or belly, they were so badly bruised; they had to walk the floor all night.

Q. Do you know those you saw come out of the bath-room with bruises on their person; did you afterwards see their person so they couldn't lie down or sit down? A. Yes, sir.

Q. Can you name any of those? A. I don't know that I could name any of them.

Q. Think it over; have you seen any inmate of the bath-room with bruises on the face or head, or cuts? A. Yes; I have seen hundreds of them; I have seen them five minutes after they came out, they chalked them in; I have seen them come out of that door when I was on parole, because I stood up in the quarters and watched it.

Q. Think up the names or numbers of those that you saw come out of the bath-room with those bruises? A. That is two years ago; the men that got the bad deals, as they call them, have all been sent away in a draft.

By Mr. Craig:

Q. Do you know anything more about these cases of improper sexual relations than you have told us? A. Yes; I seen a great deal of it.

Q. You seen improper relations? A. Yes; this man I roomed next to I chalked him in myself two years ago for having connection with his room-mate.

Q. Do you know anything about the cases that were brought up last January more than you have told us? A. No more than what I have heard other rumors about the place; I know the men were that kind of people.

Q. Were you present at any of the examinations which resulted in transfers to State prison? A. One afternoon I was in No. 4 for about three hours and I heard several men sworn down there and heard the evidence they gave and I heard several of them admitting different parties that had connection with them.

Q. You don't know anything relating to the men, whether those transferred were justly condemned or not? A. Some of them were; I can safely say they all were.

Q. What makes you think so? A. I know from what I have seen myself a good many of them transferred were that kind of people.

Q. Do you know anything about all of them? A. I don't know personally.

Q. You may be a witness called upon in regard to some of these men to see whether you know of any other acts they have been guilty of of the same nature?

By Mr. Litchfield:

Q. Do you know all the men transferred to prison were guilty of that offense? A. Yes, sir; there were about a hundred of them on two different transfers.

Q. You think all those men were guilty of that? A. They were; yes.

By Mr. Craig:

Q. There may be some questionable cases put before us and we may call you on those particular cases? A. The cause of a great deal of that was this: That officers in the military get a nice-looking boy in the company; if the boy don't do as they call "square themselves," they report them for trifling things, almost nothing, make them lose their mark and lose their grade if he won't respond to their wishes.

Q. Do you know of any such cases as that? A. Yes; I know several.

Q. You may state some of them. A. The case of Valentine, number 2941, I think.

By Mr. Litchfield:

Q. Do you know any such cases going on now? A. No, sir; there are lots of those people here that have that reputation Lamson, 3289, the man that was reduced with me, was reduced for nothing; I saw his backside.

George Brown, 4227.

Q. How long have you been here? A. Three years yesterday.

Q. How many times have you been out of the red grade? A. Three times.

Q. What have you been reduced for? A. Demeanor reports twice, and this last time I was accused of complicity in the alcohol steal in the shop.

Q. How many were in that? A. Just one besides myself, the man that was caught in the act.

Q. What was the name of the man? A. Spengler, 4916.

Q. You wrote a letter to our committee? A. Yes.

Q. Have you anything to state to us in addition to the statements you make in that letter? A. The only thing I have got to say is against the colonel's mode of investigation.

Q. Your letter states that? A. In part.

Q. Do you want to be called before us at some future time to give your testimony under oath, supporting that letter? A. Yes.

Q. What you state here to-day is confidential, but if you come under oath it will be known? A. I am willing.

Q. You may be called, and if we have some witnesses that cover the precise state of facts yours does we might not call you and we might call you? A. A little proof of my statement of partiality against the colonel is this: The other day I received three reports from a monitor on the stand in the shop; I returned them to the colonel; the colonel called me up and investigated them; last Friday night, a week ago, and wouldn't give me a chance to speak first and told me I was a liar; I told him I would leave it to the citizen boss in the shop; he said, all right, he would; three or four days ago he called the boss of the shop up to the office; I have been in the bath-room twice.

Q. Was it on the alcohol business? A. No, sir.

Q. What were you taken there for? A. Misdemeanor reports.

Q. How many blows did you get? A. Seven the first time and four the second.

Q. Leave any marks on your person? A. No, sir.

Q. Were you struck across the face? A. No, sir; just across the kidneys.

Q. Where are your kidneys? A. Right here (indicating).

Q. Your kidneys are not there? A. After the boss told the colonel I was in the right, the colonel says: "Very well;" the next night I got two reports cancelled and one of them stood.

Q. Do you know anything about others being abused in any way? A. Oh, yes sir; not exactly what I have seen myself; some I have seen; I have seen men come out with cuts across the eye that they got from the strap.

Q. How many times? A. So often I couldn't exactly say how often.

Q. Do you know the names of any? A. Yes; one man in the band was caught with some young lady's picture; he claimed it was his

sister; he was taken down to the bath-room, and came out of the bath-room with a gash across his eyes and wore glasses after that; I didn't see him come out of the bath-room.

Q. Is that man here? A. He was paroled last month, I think.

Q. What is his name? A. Tross; I don't know his number; he was the piccolo player in the band.

Q. Do you know of any other one that came out of the bath-room with his head cut or bruised that you can name? A. I think of one now that went out of the shop from where I was working; he was sent back to his cell; he stayed in his cell two or three days until his eye was a little well; he is in the first grade now; I don't remember his name; he locks away from where I lock.

Q. Can you think of any other one that had bruises upon him that you can name that is here? A. I have seen so many come out with their eyes blackened after they came out.

Q. How long after they came out? A. A day or two after; perhaps the same day.

Q. What were you convicted for? A. Grand larceny.

Q. Did you plead guilty? A. No, sir; I stood my trial.

Q. Was it true? A. I suppose it was.

Q. Was it your first offense? A No, sir.

Q. Did you swear it was your first offense? A. Yes, sir; I did.

Q. What made you swear to a thing that wasn't true? A. I thought I would get off a little lighter.

Q. Found out your mistake? A. Yes, sir; I did; I found it out before I was here four months.

David Morris, 4716:

I have been here twenty-nine months.

Q. Have you been in the red grade more than once? A. This is my third time; I was four months in the black suit and I was reduced for behavior in school; I got more than the usual amount of reports a month for talking.

Q. You could help that? A. Yes, sir; I acknowledge that; the next time I earned a parole and went before the board and was turned up for April, that is, if I didn't do anything to lose it; during the month of March some visitors came through the foundry; I was messenger there, and one of the boys got a piece of tobacco of one of the visitors, and I used tobacco on the outside and I use it in here if I can get it, and the boy asked me if I wanted a chew; I told him I did, and I took a chew and nothing was said of it for several weeks; about three weeks after I was called up one afternoon while Mr. Halpin was here; he says, "I have got a case against you; I didn't think it, you being a lieu-

tenant and messenger that you would take tobacco; you admit the truth of this statement, and I will see nothing else gets down to you but left in the blue suit;" I says, "All right; I don't know what the charge is yet; I didn't think of it;" he says, "Tobacco; about three weeks ago;" I says, "Yes; I did accept a chew;" I told him of the person I got it from and that was all that was said to me; the first thing I know I was chalked in three days afterward and put in the red suit; I wrote a note to the superintendent asking him if he didn't think that was a little too severe, to lose my parole for a chew of tobacco, and I noted several cases where men were caught with plugs of tobacco, and no more was done to them than reduced from the blue suit; I got no answer; I wrote several times but couldn't get an interview; the last time I was reduced for speaking rather hastily to Mr. Mitchell, an officer; he said I throwed bread out of my door; I told him I didn't; he called me a liar two or three times, and I told him if I was a liar he was as much of a liar as I was; he said to the colonel I cursed him, and that is something I never did.

Q. What is the matter with your left eye? A. I work in the machine shop and emery gets in my eye.

Q. Have you ever seen any punishments here? A. No, sir; I asked for an interview to see if you couldn't make it a little lighter.

Q. We simply come and learn the facts by examination under oath and then report them? A. What I asked for an interview here was.—

Q. Do you want to be called before us under oath? A. Yes, sir; I want to be called under oath; I want to tell about the way I have been treated; I should not think it right for one man to go down in the red suit, lose his parole for a chew of tobacco, and other men to be left in.

Q. You knew it was against the law? A. Yes; he should give justice to all men; I have never done anything since then or before then; I have always done my work since I have been here; in school I had quite a little trouble but outside of that I have always got along.

Q. How much longer have you to stay? A. Little over two and a half.

Q. You were paroled and would have had your freedom but because of chewing tobacco you were sent back in the red suit? A. Yes, sir.

Q. You have to work your way up again? A. Yes, sir; I had two perfect months' record; if I stay down now for a year I can't get a show to get up.

Q. When you were called up before Halpin did he use any profane language? A. He swore; when I told him first I couldn't think of the tobacco, he says: "You are a God damn liar;" and he hit me a punch in the face and punch in the eye.

Q. Did you ever hear him, on any other occasion, use profane language? A. Yes, sir; I have heard him several times.

Q. Of the same character as that you have just uttered? A. Yes, sir; worse than that; I was working in the hall; at times I have heard him kick men and abuse them.

Q. Did you ever hear him swear before? A. Yes, sir; several times in the hall, when they have taken men out from the bath-room.

Q. Did he habitually use profane language? A. I couldn't say; I have heard myself several times, whether he was before all inmate or not I don't know.

Q. You spoke of this other officer you had the difficulty with; was he an inmate officer? A. No, sir; a citizen officer.

Q. Did he use profane language? A. Yes, sir.

Q. What did he say? A. Called me a damn liar; at one time he says: "You damn Sheeney;" I was coming up from the Hebrew service that day to wait until someone would take us to our room; he says to me: "You are talking next door;" I says: "No; I aint;" he says: "You are a liar, you damn Sheeney."

Q. What was the name of this officer? A. Mitchell.

Q. Is he here now? A. Yes, sir.

Q. Did you ever see any other officer strike or kick the inmates? A. Yes, sir; I have; I have seen Mr. Sample hit inmates, coming out of the bath-room; if they didn't walk fast enough, strike them with his fist in the face, and I have seen him kick them.

Q. Because they didn't move right? A. Yes, sir.

Q. Did you ever see one as they came out of the bath-room, with bruises? A. Yes, sir; several cases.

Q. Name some of them? A. Hogan, 4330; I have seen him that he couldn't walk; that he was in his room; his back was as sore as could be; I have seen his back; I was duty man on the gallery; there was Jolly, worked in the umbrella shop about five months ago.

Q. What bruises did you see on him? A. I have seen him with his eye all puffed out, black and blue; seen him in pretty bad condition.

Q. Do you know of any inmates being taken to the hospital from the bath-room? A. Yes; McGowan, 3485, he was instructor of the plastering class. just came down from the hospital; I was locking next door to him; he got two tooth taken down his throat, and he says: "Morris, I can't eat;" he showed me where

his teeth were; he was taken down for a paper of fine-cut tobacco, and he says to me this night "I can't eat, I am going to see the doctor;" and he went to the doctor, and the doctor chased him out to work, and he could hardly work, and he was taken in from his work, couldn't walk; they let him lay in his room and fed him on milk a week or two, and took him up to the hospital, and the effects of that paddling, I know it myself, is what put him up there.

Q. How long after he got the beating? A. He was laid in the next day after he got the beating, and they put him to work and he couldn't work; he lost his teeth in the bath-room at the same time he got the beating.

Q. Did you ever hear Sample, or any of the other officers, swear before the inmates? A. Yes, sir; it is common to hear them swear.

Q. What do you mean by swear? A. "God damn it to hell," anything like that.

Q. Ever hear the superintendent? A. No, sir; I never heard the superintendent say that.

Q. Ever hear those men swear in the presence of the superintendent? A. No, sir.

Q. What do you know about the prisoners being confined in the solitaries, chained there? A. I don't know anything about that; I never was there myself.

Q. Do you want to be sworn? A. Yes.

Isaac Finckelstein, 5945:

I don't know what I was sent here for; I was charged with grand larceny; it was not true; I was not tried.

Q. Did you confess it? A. No, sir; I was sentenced in New York, in Chambers street, Judge Martine; I came here May second last.

Q. We may possibly try to find out about your case but that is not what we are here for. A. I lost my grade on account of report; I received a report in the shop where I was working for making a bag; I received a first-class report and I sent the report back to be investigated; the next day I wasn't called down for investigation; I received word from the colonel that they haven't received my report; I received word from the colonel to have an interview with the superintendent; I asked for an interview, which I had, and told him about it, and I had the report investigated and a month after and I received another report for denying the true report; this report I don't know anything about, and I lost my grade.

Q. Do you know anything about punishments here? A. I have never been spanked; when I came here I made up my mind

to get home as soon as possible; I have got a good home to go to; I never was arrested before; all I heard the lawyer says to the district attorney and says to me "Elmira;" that is all I heard; I kept quiet.

Q. Were you guilty? A. No, sir.

Q. Did you never steal? A. No, sir; my parents are respectable people, too.

Q. What is your nationality? A. Hebrew; I came here when I was 3 years old; I was born in Russia, Poland.

Q. What were you accused of stealing? A. Some goods.

Q. Weren't the goods found in your possession? A. They were found in my possession; I was sent by an expressman to receive goods for him.

Q. Did you know the man who stole them? A. No, sir; when the man sent me in for the goods I received the goods and I was going to bring them out to the man; he was waiting outside for me; he says, "I have to mind this express and I have nobody to leave," and he told me I could do him a favor and go in, he would give me a few cents, and I went in to the place and I told them and they gave me the goods, and I was going to bring them out and the man from the place came out with me, and when I went outside the man wasn't there no more.

Q. You are in the second grade? A. Yes; I worked in the tailor shop.

Q. Do you get enough to eat? A. No, sir.

Q. What do you get in the morning? A. Bread and water.

Q. What do you get at dinner? A. They have something, but I don't eat nothing; I live on bread and water.

Q. Don't you eat anything at noon? A. No, sir.

Q. What do you get for supper? A. Same thing, bread and water.

Q. You have maintained that flesh on bread and water for how long? A. So long I have maintained on it, nearly six months.

Q. Do you know how much you weigh now? A. No, sir; when I came here I was strongly built.

Max Reiss, 5496:

Q. How long have you been here? A. Thirteen months will be next week.

Q. Have been in the red grade how long? A. Nine months.

Q. What were you reduced for? A. First time for making a mistake at work; the second time nearly the same thing.

Q. What did you ask an interview for? A. About not getting any satisfaction; if an instructor says I done a thing that is all the satisfaction I got; if I had proofs I didn't do it it doesn't go;

last December he says I done a mistake and I could prove I didn't do it; the major punched me in the face; his name is Doherty.

Q. How did he punch you in the face? A. With his closed fist; it was in the clothing shop on the tenth of December, in the morning about 9 o'clock.

Q. Anybody else ever hit you here? A. Except the superintendent.

Q. When did he hit you? A. The same day.

Q. Where? A. On the back, with the paddle.

Q. How many blows did he strike you? A. I counted seven on the back; he hit me on the face and head.

Q. How many times? A. I couldn't count them.

Q. More than once? A. Yes.

Q. Hit you in any way except with the paddle? A. No, sir.

Q. Have you ever heard officers here use profane language? A. Yes, sir; Mr. Smith as much as told me the night I got reduced to the second grade I would be a dead Sheeney before I got out of here.

Q. What does "Sheeney" mean? A. Hebrew.

Q. Do you know any other abuse here? A. No, sir.

Q. Do you want to come before us and testify under oath? A. Yes, sir.

Q. Did he leave any marks upon you? A. Mr. Smith, when he cut my head, my whole head was swollen up.

Q. Did he leave any marks upon your face? A. A few days my left eye was swollen up.

Q. Discolored around the eye? A. Yes, sir; I got a weak stomach all the time; I see the doctor every few weeks.

Q. Was your back sore? A. Yes, sir; for about two weeks I couldn't lay down on that side.

Q. Did you show your back to anyone? A. Yes, sir.

Q. Did you look at it by looking at the glass? A. Yes, sir; this side.

Q. Was your back discolored? A. Yes; black and blue.

Q. Did you bleed any? A. No, sir; I did not; in June I was sick; my stomach and everything.

Q. How long after the paddling were you taken sick? A. About two months after that.

Fredrick A. Roeder, 4385:

Examined by Mr. Craig:

Q. You wanted an interview with us? A. I didn't ask for an interview.

Q. You have nothing further to state than what you stated in your letter? A. Not unless I broaden it a little bit.

Q. Are you willing to come before us on a future occasion and testify under oath all you know ? A. Yes, sir.

Q. That will be public ? A. Yes, sir.

Q. Where were you hit in the bath-room ? A. In the back and across the face.

Q. How many times across the face ? A. Once.

Q. Do you know of anybody else being hit across the face ? A. I know several.

Q. Did you see it ? A. No, sir; that is from hearsay.

Q. Have you ever seen an officer strike a man with his fist ? A. Yes, sir; Mr. Sample.

Q. Strike whom ? A. Men that came out of the bath-room; as soon as Mr. Brockway is through with them he takes them by the back of the neck and throws them out and strikes them or gives them a kick; I was standing waiting to go in.

Q. Who was it? A. I couldn't say who it was.

Q. Who was the officer? A. Mr. Sample.

Q. Kick him more than once? A. He didn't have time; the man ran away from him.

By Judge Gilbert:

Q. Was your face bruised or marked? A. Marked red across here on the temple.

Q. Black and blue? A. Yes, sir.

Q. Head cut? A. No, sir.

Q. Your back black and blue? A. Yes, sir.

Q. Anyone else see it besides yourself? A. Yes, sir.

Q. Who else saw it? A. Men in the pipe shop.

Q. Was the skin broken so you bled? A. Black and blue; the blood was right under the skin.

Q. How many times were you struck? A. The first time I went down I was struck nine times; the second time thirteen; I was in there six times.

Q. How many was the most blows you ever received? A. Thirteen.

Q. How long was it between the paddlings? A. I was down twice in one month.

Q. You say he never at any time broke the skin so the blood ran? A. No, sir.

Q. Were you ever struck over the head more than that one time? A. No, sir.

Q. What were you doing when he struck you over the head? A. I think he told me to go over ther and take my pants down and while I was taking my pants down he struck me.

Q. Weren't you looking around? A. No, sir; it was while I was going over.

By Mr. Craig:

Q. What were you paddled for? A. Loss of marks.

Q. Do you want to be called as a witness under oath? A. I would as leave testify under oath.

Q. That will be public? A. Yes, sir; the first time I was sent down there it was for tearing a shirt; the number was taken off the back.

Q. Who took it off? A. I took it off myself; when I took the shirt off I took the number off and threw them both out together.

Q. What were you convicted for? A. Grand larceny, second degree.

Q. Was it true? A. Yes, sir.

Howard Broadhead, 4351:

Q. Do you want to testify, under oath, what you stated in that letter? A. I will; yes, sir.

Q. Were you struck over your head? A. On the back of the neck and face.

Q. How many times? A. Three or four times.

Q. For what? A. For coming down there, that is what he struck me for.

Q. What did you do in the bath-room that made him strike you over the head? A. I didn't turn my face; I didn't get up there quick enough to suit him.

Q. What did he say? A. Told me to hurry up.

Q. Use any profane language? A. No, sir; never did.

Q. Leave any marks on your head? A. Yes, sir.

Q. Black and blue? A. Yes, sir.

Q. Cut the skin? A. Cut the skin on the side of my head here; there was a bunch and the skin was knocked off.

Q. Do you know of his hitting anybody else over the head? A. No, sir.

Q. Have you seen any officer strike a man with his fist? A. Yes; I have been hit.

Q. What man? A. Mr. Winnie; there used to be some inmate officers here that used to cuff the fellows around; Doherty, 4424, used to be major.

Q. Ever see Brockway hit anybody with his fist? A. Hit me in the face with his fist.

Q. Where was it? A. On the floor here.

Q. Do you mean the closed fist? A. Yes; and then with his hand on the nose.

Q. How many times did he hit you that way? A. Twice.

Q. Ever see anybody else? A. No, sir.

By Judge Gilbert:

Q. Were you resisting an officer? A. No, sir.

John McDonald, 5604:

Examined by Mr. Craig:

Q. What did you want to state to us? A. The way I have been brutally punched; I have been taken down for nothing; I was stood up against the wall and received fifteen cracks.

Q. Where were they delivered on you? A. Right across here.

Q. Any on the head? A. The last one on the head; I turned around to ward off the next one and I was knocked on the floor and kicked.

Q. Who knocked you down? A. Halpin.

Q. Were you resisting? A. No, sir; I was not; simply turned around.

Q. Who kicked you? A. Halpin.

Q. After you were on the floor? A. Yes, sir.

Q. When was it? A. The first part of March or last part of February.

Q. What had you been doing? A. It was in a shop; a man pegged a piece of sand at me; I throwed over a piece of iron at him, and he took us in; the man on the stand was sore on me; it was the man on the stand that was sending me here; there was half a paper of tobacco dropped by an officer, and I happened to get some and he saw me getting some, and he says: "Give me some; give me half of what you got;" I says: "I didn't get any;" and that afternoon he ran me in, charging me with attempting to assault a man with a shovel; the man denied I attempted to assault him; that afternoon they gave me fifteen cracks and kicked me in the bargain; they had me in again for receiving a Summary of a man; taking a Sunday paper; and they chalked me in for that; that was in June, I think; they took me to the bathroom and give me ten cracks; they had me in again the twenty-third of August; they let me go that morning; the men that were in with me received fifteen; the lowest that was given was fifteen.

Q. What were you in the last time for? A. Refusing to pour hard iron; I poured soft iron; they told me to get my ladle and pour hard iron, and I told them "No; I am a soft iron man;" he says: "Being as it is yourself we will let you go this time and see you later on;" I denied being an ex-convict; some man wrote me a note; every time I am chalked in he says you are an ex-convict; if he wants to send me to State prison why don't they do it?

Q. Are you an ex-convict? A. Yes, sir; in Sing Sing; I was sentenced September, 1890; I was there two years and ten days.

Q. What were you sent for? A. Grand larceny; it was true.

Q. What were you sent here for? A. Attempt at grand larceny.

Q. Was it true? A. Yes; I plead guilty.

Q. Did you testify before the judge you had never committed any offense before? A. I wasn't asked it; he says: "Are you guilty or not guilty?" "I plead on the indictment;" "Send you to the Elmira State reformatory;" I didn't tell him I was arrested; he didn't ask me; I owe time to State prison, and I would sooner go to State prison and do the time than stay here; I wouldn't receive no punishment like I am here for an offense of never receiving a paper of a man.

Q. How did they punish you for that? A. Ten cracks.

Q. When was that? A. The latter part of June or middle of June, this year.

Q. Did you ever see other prisoners punished? A. Men here that was in with me; I saw men carried out, 4230, Hogan; I was in the cell after I came out of the bath-room; he was carried and put in the next cell to me.

Q. How was he carried? A. Halpin had him on one arm and Sample on the other; they didn't take him out with the rest of us at all; there is McGowan, 3485; that man they kicked him so bad they had to put him in the hospital; I saw him the next day all cut; he is only after coming out of the hospital.

Q. Did you ever see an officer strike an inmate with his closed fist? A. It is an every-day occurrence here in the squad.

Q. In the military drill? A. Yes; with the closed fist; kicked them in the shins.

Q. Who does that? A. The captain of the militia; First Lieutenant George.

Q. Who did the captain hit? A. The new men.

Q. Any particular man? A. Those are the only men he interferes with.

Q. What other officers? A. First Lieutenant George.

Q. Ever see the colonel hit a man? A. No; I think not.

Q. Ever see Brockway? A. Yes, sir.

Q. Where? A. On this floor, guard-room floor.

Q. When? A. I was called down one morning from my cell somewheres around May or June; Beman, he is in the experimental class; he was called too for denying the report the officer gave him; he didn't give him a satisfactory answer and he hit him a punch in the eye and put him off the guard-room floor.

Q. Did you see him? A. Yes, sir; that was Mr. Brockway himself; that was about 10.30 in the morning; it was either May or June; I think it was Beman, 4926; I am not certain about him number.

Q. Have you ever been accused of improper sexual relations? A. I was asked was my sister a prostitute.

Q. (Question repeated.) A. No; never was accused of that, but it is an every-day occurrence here; a new boy has to submit if he wants to get along; they drafted forty men for that and sent them to State prison.

Q. Do you think they were guilty? A. I know some of them was; I couldn't say all of them were; it is an every-day occurrence; if he is a good-looking boy he has got to submit to an officer's.

Q. Do you know any particular person or time or place? A. Captain Brown; he is in State prison now; the boy is in State prison with him; 3411, Lynch; was not in the cell with him.

Q. When were they transferred? A. January; I was locking on the same gallery.

Q. You saw them? A. Yes, sir.

Q. Did you report them? A. No; it wouldn't be my place.

Q. How did you see them? A. I was on the gallery; they were going out to trade school; the brake and lever on the door was opened; this officer was in his cell with the boy at the time, coming down I passed him; "go ahead," he says, "don't look in here;" he was paid a salary that man was.

Q. Did you see the act or simply see them in there? A. I saw the boy with his pants down; I couldn't say whether he was done or whether he was going to commence.

Q. The man told you to go on? A. He says, "Go on, don't mind me at all."

Q. Were you sworn on the examination last January? A. No, sir.

Q. What do you want to say to us about those things, anything more? A. No, sir.

Q. You refer to an occasion when you saw Mr. Brockway strike some one on the guard-room floor; do you remember anyone that was present? A. The colonel, that is the only one, Colonel Bryan.

Q. Can't you remember anyone else? A. No, sir.

Q. You said Colonel Halpin was present in the bath-room in March? A. Yes.

Q. Are you certain about that date; hadn't he left here before that? A. No.

Q. What time did he leave? A. He left about the seventeenth or twentieth of March.

Q. How long was this before he left? A. About two weeks before he left.

Q. Who was there besides Brockway and Halpin? A. Mr. Sample.

By Judge Gilbert:

Q. Did it leave any mark on your head when he struck you on the head? A. Yes, sir; a big, red mark.

Q. Any marks upon your back? A. Nothing but a mass of blood streaming from me.

Q. Did he break your skin? A. Yes; fifteen cracks would break any skin.

Q. Have you any marks on you now? A. No; that was nine months ago.

Edward Seifert, 4542:

Examined by Mr. Craig:

Q. What did you want to state to us? A. I wish to say you about my detention here for so long a period; there has never been any serious charge made against me here; I have never been subject to physical punishment.

Q. You have never been punished? A. No; two years and seven months; this is the third time I have been in red suit; I was reduced last time for getting chocolate report for trying to excuse another report; I wanted to go to the closet and I tried to attract the monitor's attention, but he was talking to a first sergeant, and at last I clapped my hands, there is a loud noise from the machinery; "What do you want," he says; I says, "To go to the closet;" he says, "All right;" when I came out I asked him if I had been reported for clapping my hands; he says, "Did I say you were reported;" I says "No;" he gave me a chocolate report which he told me he hadn't given me; Colonel Bryan came up and heard my explanation very rapidly, but he would allow that I should have believed that I hadn't received the report; when I came out of the cell, the monitor asked me, "Did I say you were reported;" that is as much as telling me he hadn't given me a report; the colonel says, "You should not have believed that."

Q. What did you do? A. I clapped my hands and received a report.

Q. What were you reduced for? A. For not getting a nine in four months; I went to see the superintendent; there was a man in the hall; the head hallman was trying to reduce me; he was afraid I would inform him if I caught him doing anything wrong; there was a young fellow that worked in the hall that had been in the Rochester Industrial School, and he was suspected of being immoral, and the hallman was suspected of being intimate with him, and some one told the hallman if I saw him intimate with this boy I would tell the superintendent.

Q. Who told you ? A. I don't know; I told the superintendent all about it, told him that man was trying to reduce me; he says, "We never take a man out of a place where he is not getting on until he does get on; you are abundantly able to get out of the hall as others do;" I went to him again and asked him to take me out of the hall, I couldn't get along; subsequently to that I have got along in laboring and never received any reports in labor except in the hall, but he wouldn't take me out.

Q. What was your offense? A. Grand larceny, second degree.

Q. Were you guilty? A. Yes, sir; my father sent me there.

Q. He complained of you? A. Yes, sir.

Q. Whom did you steal of? A. From him.

Q. How much? A. About twenty-five dollars or thirty dollars.

Q. Had you stolen from him before? A. Yes, sir.

Q. Repeatedly? A. Yes, sir; small amounts.

Q. What made you to steal? A. It is hard for me to say; it was my own fault; it wasn't about associates.

Q. What did you do with the money? A. Spent it going around to amusements, generally in New York.

Q. Going to bad houses? A. No; never.

Q. If we should call you to testify would you want to come? A. Yes; I was reduced the second time for concealing a request from Mardoff and Qurkington; I was working in the officers' quarters in the morning; in the afternoon I was engaged in engraving on the guard-room floor; one days these three men painting in the quarters asked me for tobacco, and I refused to give it to them; and that afternoon, when I was working on the floor; they broke in the quarters, and another painter was afraid he would lose the board, so he told the superintendent about it; and these three men were chalked in and found guilty; they were asked if I had ever given tobacco to them and they said no; they were asked if they had asked me for tobacco and they said yes; the colonel asked me if they had and I said yes; I was then reduced on that charge; I don't know what for; I didn't have to steal any tobacco; I could have swept the room out in the morning with four or five cigar stumps, and let them pick them up.

Q. You don't claim any ill-usage? A. No; just detained here; never been spanked.

Q. You don't claim to have seen anyone hit by any of the officers of the institution? A. Once or twice in the shop I have seen an officer, who has subsequently been discharged, strike a man with his hand.

Q. Who was the officer? A. I don't know his name.

Frank Keonig, 4710:

Examined by Mr. Craig:

Q. Did you ask to have an interview with us? A. Yes, sir.
Q. You want to testify under oath about it? A. Yes, sir.
Q. That will be public; this is private; we will call you, but we can't do it this week.

Charles Black, 5535:

Examined by Mr. Craig:

Q. You wanted an interview with us? A. Yes; I wanted to say when I was received here a year ago this October, I was told I had five years; twenty-two men came up with me; I was told by paper that was read off to me I could be out of here in a year or two years or three years, if I behaved myself; so I always thought I had five years until about three months ago; I wondered one day; I says: "I have got ten years marked on my conduct book, and I have only five years;" he says: "That is nothing; it is a mistake; did the superintendent tell you you had five years?" I says: "Yes, sir;" he says: "That is nothing; if I was you I would go up and see about it;" I sent up a note to see if it was right; the note came back and said five years was correct; after I was put in the experimental class to have experiment tried on me; I was put in under the eyes of an industrial officer — I am really supposed to be crazy; the industrial officers put up a plan to escape, and they put three or four of us men to cut the bars.
Q. Did you cut the bars? A. I helped to cut the bars; there were four of them and two officers.
Q. Were you punished at the time? A. I wasn't punished that time for it; last December I was punished in the bath-room.
Q. What for? A. From a lot of officers that went away from here.
Q. Were you one of the men? A. No, sir; I was working up in the tailor shop on account of my work.
Q. What had that to do with the officers going away? A. One of the officers wanted to do something to me.
Q. Did he do something to you? A. No; he didn't do it, but he had me chalked in two days after and I was taken to the bath-room and punished; he gave me a chocolate report.
Q. Who was the officer? A. Dougherty; I guess he is in Clinton prison; he was transferred for fooling with a lot of young boys; he fooled around me; around my room.
Q. How many blows were struck you? A. I was struck over twenty-nine times over the head.

Q. On that one occasion? A. Yes, sir; I am not really over the effects of it yet; I am placed in the experimental class now; I am getting a special diet and going to school in the afternoon, but I want to see if I am in condition of being out of my mind; why not have me sent to an asylum or something like that.

Q. Do you think you are out of your mind? A. Certainly.

Q. What makes you think you are? A. I am in this experimental class.

Q. Men are not crazy that are in that class? A. Certainly; here I am going through this institution with this star on me.

Q. What does the star mean? A. That I am in the red suit; I can't get along.

Q. They generally put the red suit on? A. This is the experiment they are trying.

Q. You say you were struck twenty-nine times on one occasion over the head? A. Yes, sir; that was the sixteenth of last December, for cutting a coat; the officer done this on purpose.

Q. Were you struck over the head? A. Yes, sir.

Q. How many times? A. Twelve or thirteen times; I have the marks on my side yet.

Q. How many times were you struck in all? A. Twenty-nine times.

Q. How many times over the head? A. Thirteen times.

Q. How many times on the buttock? A. About nine or ten.

Q. Punished any other time? A. No; that was only once.

Q. What did they do to you when you cut the bars? A. I was chalked in for two days until they found proof, and this industrial officer, Bloomer, he was the parole man here; he was sent to Clinton prison after; he went away about two months ago; he was caught with a book in his arm that he had written about the institution here, about officers and about people in the institution; he is a man that has been here four years; he is a man that knows considerable about the institution.

Q. You like it in the experimental class? A. No; I am going through special diet.

Q. Don't you like that? A. Yes; but my getting this treatment then I am supposed to be out of my mind; they say it is to give me an education; everybody hollers, "There goes a crazy man."

Q. Have you marks to-day? A. Yes, sir. (Witness takes down his trousers and exhibits some marks on his leg.)

Q. When do you think you went out of your mind? A. When I was hit over the head.

Q. Were you kicked that time? A. I was kicked and hit over the head with that strap; a man named Halpin used to be major;

a big stout man; I was told to put my hand up this way; I says, "Gentlemen, I didn't do nothing;" he hits me against the wall; Mr. Brockway says, "Keep your head to the front and I won't hit you;" I would turn around and he would hit me."

Q. Do you want to be examined under oath? A. Yes; I would like to be examined by a doctor.

Richard Fowler, 4561:

Examined by Mr. Craig:

Q. You asked an interview with this committee? A. Yes, sir.

Q. What did you want to state? A. I wrote a note to you Mr. Brockway was keeping me here three years and seven months.

Q. How long have you been here? A. Two years and seven months.

Q. How many times have you been in the red suit? A. Once.

Q. What for? A. Disorderly conduct.

Q. How long have you been in the blue suit now? A. Fifteen months.

Q. What was the disorderly conduct? A. Trouble with a boy; he hit me in the mouth; I didn't do anything; that is what I came to complain about; I told Mr. Brockway it wasn't my fault; Mr. Brockway says I had no business to speak to this man; I was in the second grade; I was a new man here; I says, "Mr. Brockway, it ain't my fault; I didn't hit this man; I could fetch fifteen or sixteen witnesses;" he says to me, "You had no business to speak;" he put me down in the lower grade and gave me nine marks chocolate report for fighting; a little while after that I says, "I done time before; I would like to get transferred out of here; I can't get along here with these people bothering me; I am not allowed to talk to the men; if I look around I get a report for laughing;" I told him I done two years and a half before in the penitentiary; now he is keeping me three years and seven months for that.

Q. Have you ever been whipped here? A. No, sir.

Q. Ever see anybody? A. Yes; I did lock overhead.

Q. How do you know he had been paddled? A. I heard him holler.

Q. Have you ever seen any officer hit an inmate with his fist? A. I have seen officers shoving men.

Q. Ever heard any profane language here? A. Yes, sir; sometimes.

Q. Who? A. Inmate officers.

Q. Ever heard citizen officers? A. No.

Q. What inmate officers? A. Captains and sergeants.

Q. On the drill? A. Yes.

Q. We are not here to look into cases of detention; you must by good behavior get along? A. If a man gets forward here he can go out and come back again and go out again; I am here two years and seven months now.

Q. Have you ever been before the board of managers for parole? A. No, sir.

Q. What is the reason Mr. Brockway says? A. Because I am a convict; previous conviction; that is the reason he is keeping me here.

Q. What did you come here for? A. Grand larceny.

Q. Was it true? A. Yes, sir.

Q. Where were you before? A. Penitentiary; one for a felony at the penitentiary in New York; that was all.

Q. Weren't you ever in the penitentiary or jail besides that? A. Three months or so for a petit larceny.

Q. Where was that? A. Same place.

Q. How did you come to be sent here; did you testify before the judge you had never been convicted before? A. I told him I never was arrested before.

Q. Under oath? A. No; I pleaded guilty.

Q. Why did you tell him that? A. Because my sister was there.

Q. Didn't she know it? A. No; she didn't know it at the time.

Q. What has been your markings during the fifteen months? A. Pretty good markings; only a few times in school; I never get chocolate reports.

Q. Haven't you had a chocolate report in fifteen months? A. Yes; once for a denial report when I was innocent of it, I could prove I wasn't talking; got a yellow, second-class report, and when I sent the report back I got a chocolate report, and when I get another yellow report I keep it; I don't send it back.

Q. Was that excused? A. No.

Q. Is that the only one you had in fifteen months? A. I believe I had a three-mark chocolate report.

Q. None of them was enough to reduce you? A. No.

Q. Would they not have been unless the superintendent interfered? A. No, sir; no serious case.

Q. How much longer have you to serve here if you are not paroled? A. I have a five-year sentence.

Q. Will the superintendent allow you the reduction for good behavior? A. Yes, sir.

By Judge Gilbert:

Q. What is your employment? A. Bookbinder; I have been in the department on and off two years.

Q. Are you proficient in that ? A. Yes, sir.

Q. Are you head workman ? A. First-class; there are only two men in the place that can beat me.

Q. Have you men under you ? A. No, sir; there is a citizen officer; no inmate there.

Q. You are engaged in the most important work connected with that branch of the business ? A. Yes, sir.

By Mr. Craig:

Q. You are too nice a looking fellow to be guilty of three offenses; you are yet young; a matter of a year or two don't make much difference if you only get out reformed ? A. That is what I told Mr. Brockway; if you will give me a chance; I have seen men go out and break their parole; give me a chance and I won't break my parole.

Q. What was your offense the last time ? A. Grand larceny, second degree; stealing a watch.

Q. Did you pick his pocket in the street ? A. Yes, sir.

Q. The other two offenses for picking pockets ? A. No, sir.

George F. Searles, 5689:

Examined by Mr. Craig:

Q. You wanted an interview with this committee ? A. Yes, sir; I can't get along with the colonel; he don't give me no thanks with my reports; I send back and report and sometimes he won't even bring me before the reporting officer; he will say like this: "The first day of the month you will get a first-class report for this, sure."

Q. What does he report you for ? A. If I deny a report he will give me a chocolate report for it.

Q. What does he report you for ? A. If I deny a report; I have a chocolate report one day for not sewing buttons on a coat, and the instructor come over to me and says, "I am going to give you a first-class report for this:" I saw the citizen instructor and I says, "Mr. Phelps, does this call for a chocolate report," and he says, "No; it only calls for a labor report."

Q. How long have you been in the red suit ? A. Seven months.

Q. What for ? A. Reports.

Q. What had you been doing ? A. I can't help laughing; the colonel says that is my disposition.

Q. Where do you laugh ? A. I laugh at nothing.

Q. Where was it ? A. Anywhere.

Q. Have you been punished with the paddle ? A. Once.

Q. What for? A. For getting reports; that was the month I got this three-dollar chocolate report.

Q. How many blows were struck? A. One.

Q. Where was it? A. On my rump.

Q. Did you laugh then? A. No.

Q. You can't help laughing? A. No; I would like to get some thanks for my reports; sometimes they won't let me explain them reports; about two months ago I got a yellow report; Mr. Rourke; they sent for me, but they didn't bring me before him.

Q. Who did they bring you before? A. Didn't bring me before nobody.

By Judge Gilbert:

Q. How old are you? A. Sixteen; I have been here ten months.

Q. When were you 16? A. Since I was here; I wasn't 16 when I came here; I was 16 all but three months.

Q. Did you state to the court you were 16? A. I told them I was 17.

Q. What were you sent here for? A. Stealing seventy-five dollars from the telegraph company; I was a messenger.

Q. You never have been punished severely? A. No, sir; I think it is right if we do wrong to be punished for it, but not to go too far with it.

Q. You think they don't give you credit for your good conduct; you are trying to do the best you can? A. Yes, sir; I am.

Q. Where did you get those scars on your head? A. I fell twenty-six feet when I was 4 years old.

Q. Come from New York? A. Yes, sir.

Peter C. Williams, 5217.

Examined by Mr. Craig:

Q. You wanted an interview with this committee? A. Yes, sir; I was committed to this institution the first of last April, and at the time I was put into the domestic building; I worked there until some time in June; in June the party over me was an inmate; he started to call me names that wasn't fit to be used to any man; called me a son of a bitch, etc., go and do this and do that; I says: "I will stand this no longer; I will go up and see Colonel Halpin;" about the best man to see in this institution at the time to get the rights for yourself; I got to the guard-room floor, and stand there to wait for Mr. Halpin; somebody else got there before me; this party told the officer over him that I refused to work, and he came up to me and says: "Go down to work;" I says: "I want to see Mr. Halpin;" and with

that he went inside and told the colonel I refused to work; the first thing I know I was locked in 602, and at noon I was taken to the bath-room and paddled without any explanation whatsoever.

Q. How many blows were you struck? A. I believe four.

Q. Where? A. On this side.

Q. Over the head? A. No; they made a punch for me.

Q. Who did? A. The superintendent.

Q. With what? A. With his fist.

Q. Before he paddled you? A. No, sir; after.

Q. What did he strike at you after he paddled you for? A. I don't know.

Q. Did you see anything? A. No; I have heard different people going down there and getting it terrible; I am only speaking of myself.

Q. What do you know about others? A. There is a party there coming in in a little while; I have seen that party come out so he couldn't stand; his name is Diamond, I think.

Q. Where were you? A. I was working in the hall; he was working there too; it was just for giving a red man tea.

Q. What did he do? A. First he came out after he was able to stand; we were sitting on a slide; I says: "What happened to you?" he says: "They hammered me so in there that the excrement came out of my bottom;" he says: "After that they threw me in the bath-tub;" I was taken out of the hall and put back again this year, and this business of Halpin last January; the party that told me this says he had to go in there and clean up after the two or three days paddling; run a man in and paddle him; "Who do you think does such and such," they asked him, "the sodomy business; says somebody;" as soon as he says somebody, the first name that would come out of his mouth they would go and take that man, bring him in here, give him a paddling and ask him the same thing; that was kept up for three days last January.

Q. That was the time of the accusation against these officers? A. Yes, sir.

Q. Did you see anything of it? A. I saw how they run them in; I was working in the shoe shop at the time; this was told to me by the party that went in there to clean up the place; he says he had to clean the blood.

Q. What is his name? A. Heffernan; he works on the farm.

Q. You don't know only what he told you? A. Only what he told me.

Q. Do you know anything about those paddlings? A. I know they went on.

Q. How did you know? A. Going through the hall I have seen split heads; heads that were punched up going to the hospital.

Q. Did you see them go up to the hospital? A. I did.

Q. See them go into the hospital? A. Yes.

Q. What were the names? A. Those boys were drafted; one party's name Facey; I won't mention any more names; I can't.

Q. How many did you see go to the hospital? A. That is all I remember.

Q. How do you know anything more about the paddling of others? A. Through hearsay.

Q. Who told you? A. I see all those going through the hall.

Q. Who were the? A. Captain Crumby, Captain Walters, Captain Valentine; I have got those all down, the numbers of these people.

Q. Do you want to testify to these things under oath? A. I will testify to mine.

Q. I shall ask you about the others; you don't object to testifying if we tell you you will be protected in doing it? A. There is no protection in this place; I have seen that from the first beginning; there is over a hundred men here that I know could give more evidence than I can but they won't do it because they have five years.

Q. Do you want to testify under oath about all you have said here to-day? A. Yes; I would.

Q. We can't examine you this week but we may two week from now or more; you say you have a memorandum about some of these things; bring it with you when you are called upon, will you? A. All right; I will make it out; I have also a bath-room notice in which he says in February he will take me down if I receive any more reports; that month I haven't any more reports; I did receive the chocolate reports; I was working in the shoe shop; it didn't suit the instructor and I had to pay four dollars; I didn't stand it; I sent that report back and I had the report cancelled because it was in my favor.

Q. What were you sentenced here for? A. For burglary.

Q Was it true? A. No, sir.

Q. Did you plead guilty? A. I did not; I stood trial.

Q. Burglarly at night? A. Supposed to be a jewelry in Stanton street, near the Bowery.

Q. I shall ask you when you come to be sworn under oath whether it is true or not and you can answer or not as you please? A. There are many people here that would like to answer questions but they were afraid to come up; there is a talk going around half of the envelopes weren't collected; other talk is Wooley and Bush were in the front office and those they didn't like they tore up; those they did like they sealed up again and sent in.

By Judge Gilbert:

Q. Is it stated nearly all of the inmates sent letters? A. Not all of them; the greatest part of them red-suit men.

Q. Do you think the red-suit men didn't send letters generally? A. Those that have received bad treatment of course did; I know men in here that got ten years would sooner be drafted to Auburn; he don't say it for fun; I know people that come up here want to be drafted and ask it of the superintendent; others that don't want to be drafted are just the men he will draft; the superintendent is at this business so long, when we get doing something the first day it is rather hard thing for us; after we do that several times we do it off hand; the same way with him in the bath-room; he don't know when a man has got enough, he is so used to it; it is a mere matter of fact for him to paddle a man.

Q. How many times have you been paddled? A. Once.

Q. How many blows did you receive? A. Four.

Q. Did it break the skin? A. I couldn't lie on that side for about a week.

Q. Didn't bring any blood? A. It did bring the blood; it was scabby.

Q. Did the blow flow after you were hit? A. It didn't run.

Q. Made sore? A. Left a scab.

Q. Were you hit over the head? A. No; not with that stick; he made a pass for me but I got back that way.

Q. Ever see any officers of the institution strike any of the inmates? A. I have; my own partner; he has gone home paroled; a man about six foot named Major Carter; this man is four foot seven inches.

Q. Was he an inmate officer? A. Yes, sir.

Q. None of the other officers? A. Yes, sir; this man that will be in after me you can ask him about O'Rourke striking a man named Callanan down in the officers D. B.; that is what he told me in our room; there are three of us doubled up; I got along this last year; you might as well say I am in the ring here; the school and everything else in that line is excellent; that is a first-class scheme here, but as far as down to a man getting justice in this place it isn't there.

Thomas M. Cullen, 5435:

Examined by Mr. Craig:

Q. You wanted an interview with us? A. Yes, sir; the principal reason I came up here is about a flogging I got by the superintendent March first.

Q. You were in the red suit then? A. Yes, sir; I was brought down; I got a notice if I lost a dollar's worth of reports — I had been down in February.

Q. Been paddled in February? A. Yes; I got notice if I lost a dollar's worth that month I would be brought down; that month I lost one; working down stairs, I broke some dishes and some other little things and I was paddled nine strikes and got my eye cut open right down here.

Q. You mean your forehead? A. Yes; I turned my head and got the strap across the face.

Q. How many blows over your head? A. Two for turning my head.

Q. Did you say anything when you turned your head? A. No, sir; I begged; of course, I cringed and was told to keep my head still, but it was impossible to keep my head; I got it right around here, raised kind of a small lump, and then he hit me here; I came in where I was working and it was cut there still; I got three paddlings there; two of them I deserved, and when I went in the red suit I got paddled for fighting; that I deserved; but the other one I went down for breaking dishes, accidents; I was sick, I lay in three days.

Q. Were you struck over the head in any of the paddlings except one of them? A. Yes, sir; I was struck twice; one the first paddling, and twice the third one.

Q. Have you ever been struck with the fist? A. Yes, sir; I have been struck by one of the citizen officers when he was chalking me in; his name is Lazenby; he punched me; I was chalked in for fighting; he says, "You are a fighter," and he punched me right there; it was nothing.

Q. Have you ever heard any profane language from the officers? A. No, sir.

Q. Do you know about the punishing of others? A. No, sir.

Judge Gilbert.— Mr. Fanning finds a scar on his head where the witness says he was hit.

Q. You are in the cook-room? A. Yes, sir.

Q. How long have you been there? A. I have been in there since January.

Q. Who prepares the morning hash? A. I do on my watch.

Q. How much meat do you put in the hash? A. I couldn't tell you.

Q. Suppose there is a gallon of hash? A. I think that is canned corned beef; I think they weigh five pounds; they put in about ten, although fifty pounds of meat is used for preparing all the hash.

Q. How many inmates? A. Seven hundred, anyhow.

Q. All the inmates that don't go to the table? A. Yes, sir; about that much; there is about 530 pounds of potatoes used and then there is what they call stock, the bones and meat that comes off the first-grade men's table; they put that in the kettle and boil it and all the bones fall out and we take the other stuff and put it in with the hash, so they deduct so much off the good corned beef for the other.

Q. It isn't more than one-tenth of the amount of corned beef that there is of the potatoes? A. No; there is bread put in, too.

Q. How much bread? A. I don't know; what they call two trays of bread; two kettles of hash.

Q. How much? A. It is stale bread.

Q. Is the meat always good? A. The hash meat is generally good; sometimes the stewed meat is kind of musty; what it is comes on top and we are supposed to take that off.

Q. What were you sent here for? A. Attempted burglary.

Q. Were you guilty? A. Yes, sir; I went down to get some clothes in a club-house in Brooklyn; I had been working there, and I went in there and I got caught.

Q. What made you go to steal; what club? A. It is called the Aerial Boat Club; my health is giving way on me.

Q. Have you ever been to the hospital? A. I have been laying in sick lately, since I have been working in the kitchen; you are kind of confined, working from 4, 4.30 in the morning; then I have to go to trade school; all the men down there are in the cooking schools, and when they go to their room they can stay there; I have never made no complaints since I have been here.

Q. Anything else you want to state? A. No, sir.

Q. Did you ever see any meat that had worms in it? A. No, sir; seen little musty things, because they will get musty where there is so much stuff around; the food is pretty well handled; they have it in the ice-box.

Q. Do you want to testify under oath what you have stated here to-day? A. I don't want anything public.

Q. Do you object to it? A. I will leave it to you.

Q. When you begged did he stop? A. No; he told me if I turned my head around he would knock it off.

Q. Had you begged before you turned your head around? A. I begged when I went in there; he asked me how I came to break the dishes; I told him when I broke one I got nervous and broke a lot of them; he said he had a cure for nervousness, and that was the cure.

Q. String you up? A. No, sir.

Q. Put shackles on you? A. No, sir.

Herbert Astles, 5734:

Examined by Mr. Craig:

Q. You asked for an interview with us? A. Yes, sir; I thought I would tell you gentlemen some of the things that have been done here; I work in the hall, and one person I know has had his privates kicked up inside of him; his name is Hubert; I don't know his number; that was about a year ago; I saw the party.

Q. Did you see it done? A. No, sir.

Q. Who told you? A. Him, himself; he is in the gymnasium.

Q. Who did he say kicked him? A. He didn't say; there is a fellow named Pearce; who wrote for an interview with you, but it was for that night; he locks 428; he locks in my gallery and I feed him; I know he has been injured; he can't hear at all now; he came in all right; he was injured in the hall; he hit an officer, and Halpin and three or four others knocked him down in the hall and kicked him all around the hall; I have seen people that know it; Hearst, 5361, I can't think of anyone else that was over at that time; there is a fellow named McGrath; he was up here and was hit in the eye from looking around when he had his hands up in the bath-room; one of the officers struck him; he had sore eyes, and two or three days afterward he couldn't see out of the eye at all, he says.

Q. Anybody else tell you? A. Other people that saw him down there; there were quite a few in the hall; McGrath is No. 5781, I think; a fellow by the name of Gleason, locks in 117, I think; a person I know; I saw this; he was taken to the bath-room and came up to his room and he was spanked so hard he couldn't undress to get in bed.

Q. Did you see his back? A. Yes, sir; I saw his back; the width of straps about that broad, about three inches; the skin wasn't broken but it was raised up.

Q. Black and blue? A. Yes; all colors you might say.

Q. Whereabouts on the back was it? A. Right across; right by the kidneys; just above his hips; that is where they generally get hit; he told me about it; there is a case here where a fellow hit an officer with a gun at military; he was taken to the solitary, and when he went down he struck the officer, and with that the superintendent, Mr. Hoppe and Mr. Bigley and the officer that used to be in the hall, he got fired out because he was too kind to the men over there; a very good fellow to work under; they went down to the solitary and I went down to the solitary a couple of days after to clean up the place; his head was all swelled up, and I saw John Bigley, an officer in the yard, and this officer that is left, came out, one went down

in the bath-room and washed his hands, and the other went up in the quarters and changed his shirt; I saw the fellow a couple of days afterwards; his eyes were all swelled up, and his head was all swelled up.

Q. When did you see the men wash their hands? A. The very afternoon after they took him down in the solitary.

Q. How do you know when they took him down? A. I was in the hall; I saw the fellow he hit was kind of fainting; they carried him to the hospital, and he kind of came to, and they took him down in the yard again.

Q. That is a pretty bad offense? A. I know a man ain't supposed to be kicked around.

Q. He hit the officer first? A. I don't know how it arose; I know he hit the officer; he told me the officer came up with me; he is first sergeant now; in the blue suit.

Q. Who is first sergeant now? A. The officer.

Q. Do you know any other cases? A. That is all I know; at the time you investigated the rest cure, a week or so ago, they run down and got all the handcuffs they string the men up with; at night time they string them down again; when you went up to the rest cure an officer by the name of Spencer, an oldish gentleman, goes down to the solitary and rattles on the door, and goes in and comes right out again, and the day I heard you gentlemen were to be up here, at dinner time I seen Mr. McLaughlin go down and come out with all the handcuffs they had down at the solitary.

Q. How many solitaries are there? A. All together I think there are eleven or twelve cells.

Q. Eight cells in block and three cells for reception cells? A. Yes, sir.

Q. Did you see him take the handcuffs out to-day? A. I saw him have the handcuffs in his hand about dinner time; McLaughlin has charge of all the buying; he is a citizen officer.

Q. Who is the officer you referred to on Sunday? A. Spencer.

Q. What is his business here? A. I don't know; he is a citizen officer.

Q. Tell what you saw on Sunday? A. When you were up there on the rest cures I saw Mr. Spencer go down quickly and rattle at the iron door, as you go through, just before you get into the elevator, and run in there and come right out again and then hurry up the hall.

Q. Did you see him have anything? A. No; not that evening.

Q. How do you know he did anything? A. He very seldom goes down there any other day; to-day I saw McLaughlin with the handcuffs.

Q. How do you know Spencer did anything? A. He must have said something and come right up again; Spencer is kind of an overseer.

By Judge Gilbert:

Q. Have you been, during the last few weeks, in a position so you can see people that are confined in the solitaries, and see whether they are chained there or not? A. I have in the last month; I have been in there and seen them.

Q. How are they chained? A. Chained up like that, with handcuffs.

Q. You refer to their being chained at night to the bar; have you seen any chained there during the last few weeks? A. I haven't seen that myself; the people say they have.

Q. Name the ones? A. A fellow by the name of Lieutenant Kelly, dropped for crookedness, and he claims he was.

Q. Do you know for how long a time anyone has been confined in one of those solitaries? A. They say if they talked down there they got a chalk mark on the door, and that means an hour more; I know of fellows that have been down there a week; Kelly, First Lieutenant Kelly, was down there for a week; he was dropped for having tobacco; he was first lieutenant of P company.

Q. Do you know anyone else that was that length of time? A. I think Lattimore was down quite a while, and a fellow drafted from here named Bloomer; he was there eleven days; I have been working in the hall since I have been here; I can see everything.

Q. Do you know any time when the cells were closed; dark cells? A. I know a fellow that was in over four months in the screen cell, and when he was taken out, he has ten years sentence, and has been here over five; his name was Gettings.

Q. Do you know those tight doors being closed during any of that time? A. That I don't know; that is generally done at night time.

Q. Have you ever known those wooden shutters closed or the windows by the seclusion cells? A. No, sir.

Q. You have seen the wooden door on the rest cure closed? A. Yes; on 671, I believe.

Q. For how long a time? A. That I didn't notice; it was on one time during the day, I think, when I was doing bread duty up there; that is a couple of months ago.

Q. You say you saw a man in one of the rest cures who was there four months? A. Yes, sir.

Q. What was he there for? A. That I don't know.

Q. What did he have to eat? A. The same as all had; hash in the morning, a couple of pieces of bread, and couple of pieces of bread at night.

Q. In the seclusion cells they don't always get that, do they? A. They are only supposed to get their hash in the morning, no more.

Q. You say you have seen men chained up four days in succession? A. I didn't say for any length of time.

Q. You don't mean strung up? A. Handcuffed up.

Q. Not both their shoulders? A. No, sir.

Q. Does it seem to be a painful position? A. Some fellows say they have been out there; they would rather go down to the bath-room.

Q. There has got to be some method to reduce to submission men who are rebels? A. That is so.

Q. What would you recommend in place of it? A. I think where there is a place like this where fellows haven't been in prison before, I would send them to State prison.

Q. If they didn't behave themselves? A. Yes, sir; and because there is a lot of young fellows in here; one thing isn't quite right in here, this inmate authority; I am working in the hall under a citizen; another man is put over me; he is an inmate; he is a friend; he is a major; anything he says goes through the major; he puts me at something; I go to the citizen and say, "Is that right?" the citizen says "No," and takes it off; then the major has it in for me, and four yellows a fellow can get very easily, and a couple of months he is in the red suit.

Q. Do you know of any such person? A. Yes, sir; I have had it myself; one gallery of M company, was a red-suit gallery, and three or four I have seen come out of the bath-room with cuts and bruises; I couldn't mention the names now.

Q. What are you here for? A. Attempt at grand larceny.

Q. Was it true? A. Yes, sir; I come from good folks; I asked for the institution, but what I have seen since I have been here I think I would rather go to some place else.

Q. Were you American born? A. Yes, sir; born in Brooklyn, N. Y., in English parents.

Q. What were you accused of? A. Taking a watch.

Q. Did you take it? A. Yes, sir; I saw it and I took it.

Q. Never stole anything else? A. I might when a boy, but nothing serious.

Milo Cornelius, 5093:

Examined by Mr. Craig:

Q. You wanted an interview? A. Yes, sir; I have been up here twenty months now, and I would have been reduced to

the red suit if it hadn't been for the P. K., the principal keeper; he told the superintendent that there was something wrong in reducing me, and he came back in and says, "We had better give that first-grade man a black suit;" I got a black suit out of it, and there is lots of other fellows in the place that got their stripe took away and got reduced.

Q. What were you reduced to the red suit for? A. Neglect of duty was the charge; I have charge of a lumber yard up here, and there was a party in there, filling ticks for the beds here, and he got in some kind of a dispute about this crime on nature and they drawed me into it on suspicion, and took me down in the solitary and chained me on the floor from Monday forenoon and came out on Friday; was fetched up there, and he told me he would have to give me a red suit; on the tenth of April I was fetched in.

Q. Who testified against you? A. Superintendent Brockway was in the bath-room; he looked the report over.

Q. Who said he saw you? A. Nobody; only I was on suspicion here by a citizen crowd here named Hulbert.

Q. He was one engaged in the sodomy himself? A. He was a keeper; he run me down and I got in solitary for it; I got the red suit on.

Q. They restored you pretty soon? A. Yes, sir.

Q. Did you lose your time by that? A. No, sir.

Q. What have you to complain of about that? A. Nothing, only I didn't think they done justice putting me in the black suit; I was reduced from the blue suit.

Q. What was your neglect of duty? A. I went to sleep in the first place; that is what I told them, and I did do it.

Q. What were you here for? A. Burglary.

Q. Did you commit the offense? A. Yes, sir; stealing from a barn.

Francis Joseph Dinan, 5287:

Examined by Mr. Craig:

Q. State what you wanted to state? A. I am getting reports from men that had no right to give me reports; when I first came here in the awkward squad, they gave me reports for spite; they knew me outside; when I sent back a report their word was taken before my own; those men were dropped last January for rape upon boys.

Q. What was done to you? A. I was put in the red suit; I was spanked in July; I was put in the hall, and I was working on the flags, scrubbing, and the next day they took me off the flag

and put me on tea duty; there was a red-suit man in the room, and I gave him tea; I didn't know anything about that I wasn't allowed to give a red-suit man tea, and I was taken in the bath-room the next day; a man said he had told me not to give a red-suit man tea; I never had been told; I got two blows across the kidneys and one across the head; there is a little mark there yet.

Q. Stand up and say where you were hit on the kidneys? A. Right across here.

Q. You were struck over the head? A. Yes; over the face.

Q. How many times? A. Once.

Q. What were you struck for? A. I was standing there; I held up my hands up, and I turned my face that way, and I got struck across there, and I fell on the ground.

Q. Knocked you down? A. Yes, sir; they let me get up again and give me one more; he says, "Did you give the red-suit man tea;" I says, "If the head hallman says so, his word will be taken before mine."

Q. You didn't admit you had given tea to the red man? A. I admitted I gave tea, but I say I didn't know any different; if I had said anything different I would have got more than what I did get.

Q. Were you ever spanked any other time? A. No, sir.

Q. Ever see anyone spanked? A. Yes, sir; 5344, Pearce, I saw come out of the guard-house door; as he came out, I think he asked Mr. Murphy where he was going to bring and he says, "Down in the bath-room;" and with that he struck at Mr. Murphy, and he went across the floor, and Mr. Hoppe tried to stop him and he wouldn't stop and he run all the way across the extension; when they got him over there Murphy and another officer all got on to him and commenced beating him and kicking him, and 5304, Sellwood, seen more that I did; he was working over there; they brought him down; the man claims he was speaking to me before he was spanked and he could hear and see good, and now the man can't see and hear good; he was in the navy.

Q. You didn't see him spanked? A. No.

Q. Did you see the officers get him down on the floor and kick him? A. Yes, sir.

Q. Did you see them kicking him after he was on the floor? A. Yes, sir; I saw a man give him a punch right here; when they got him out of the bath-room they commenced punching him in the cell; Mr. Halpin came out and said, "Stop hitting him;" they were making too much noise.

Q. Who put him on the floor? A. I couldn't say.

Q. How many were there there ? A. Two officers; I only know one man's name, Murphy.

Q. I thought you said Hoppe was there? A. Hoppe tried to stop him.

Q. When he was on the floor how many officers were there? A. Two.

Q. Was he fighting when he was on the floor? A. I couldn't say.

Q. Did you know about the effect of the spanking is what he shows to you? A. Yes, sir.

Q. Where did he run ? A. On the flags around the north extension.

Q. How far off were you from them when they were kicking him? A. Some yards, I think; I don't know what a yard is; I guess I was about four yards away from him.

Q. All you know is what you saw, and all you saw was that scuffling on the floor? A. Yes, sir; another man seen Murphy hit him; his name is Day; he works in the foundry; he hollered and two fellows came running around; two were the only ones there and Day; I was talking with Pearce before he was down in the bath-room and he could see; when he came out his face was all cut.

Q. Where were you when he came out? A. In the hall; he was put in the solitary; I saw his face was cut; I don't think any inmate at all was ever inside and see it done.

Q. Any other transaction you want to tell us about? A. No, sir.

Q. You have never seen anybody else come out of the bath-room ? A. I have seen hundreds of them, fifteen and twenty at a time, especially military days in the afternoon I have seen them come out; there was a fellow used to work in the hollow-ware; you could hear that man holler for mercy all through the hall.

Q. What would be the matter with them when they came out ? A. They have cells near the bath-room open for them, and two of the keepers would grab him and throw him along; push him in and lock his door up, and after he would get cooled off they would send him off to work; a man named Lampes; I don't know his number; he is a blue suit man; I was up to the hospital getitng my finger fixed, and he was up there and he had an abscess under his arm that he got from his beating.

Q. How do you know the abscess came from that? A. He told the doctor; I seen the abscess.

Q. Was it under his left arm? A. I couldn't say.

Q. Do you know any other thing? A. O'Brien says, "Where did you get that from; physical treatment?" he says, "Yes, sir;" O'Brien says, "It looks like it."

Q. Did you ever see an officer hit a man with his closed fist? A. Yes; I saw an officer hit a man that is ruled out in the parade ground.

Q. Hit him hard? A. He was carried into his room.

Q. Who was the officer? A. Dougherty; he is in Auburn now.

Q. It was an inmate officer? A. He was paroled at the time.

Q. Who did he hit? A. I don't know.

Q. What else do you know; did you ever see a citizen officer strike an inmate with his fist? A. Yes; Rickert, captain of the night watchmen.

Q. Who did he hit? A. Demitmo, an Italian; that was three months ago; he hit him in the hall; hit him in the face; there was some trouble down there; he rushed from the guard-room floor; some of the boys were going to turn back and he brushed them aside and he hit him and knocked him up against the wall, and the lieutenant was helping him; I can't think of his name.

Q. Ever hear officers use profane language? A. The parole officers.

Q. You never heard the citizen officers? A. A few.

Q. Ever hear Mr. Brockway profane? A. No, sir.

Q. What citizen officer? A. I don't know.

Q. You have told us all you know? A. Yes, sir.

Q. When you were struck over the face was the skin cut? A. Yes, sir.

Q. Any blood flowed down? A. Yes.

Q. Were your eyes blackened? A. One eye was blackened, swollen out a little.

Q. The skin was cut across here? A. Right here; I think you can see the mark here yet; I was knocked right down.

Q. Was there much blood on your face? A. I had to take it out before I could see very good.

Q. Did they put your coat over your head before they took you out of the bath-room? A. No; my hat I threw on the floor, and when I got outside Murphy and Lazenby threw me in a cell.

Q. Who was in the bath-room? A. Colonel Halpin; that is all.

Q. Wasn't there a third one there? A. No, sir.

Q. Wasn't there a third officer in the room when you were paddled? A. Not inside the room.

Q. Who was that officer that was outside? A. Mr. Sample, the principal keeper.

Thomas E. Lampson, 3289:

Q. State what you wish to state to us? A. On the 19th of September, 1891, I was paroled as an officer of this institution, and I was on parole six months and four days, until the 22d of March, 1892; I then got permission from the superintendent to go down town and buy some underwear and clothes which I needed; on the same day two other parole officers got the same permission, namely, Chamberlain and Lefleur; they went down together and started half an hour before I did; I went down alone; I didn't see them from the time I left the reformatory until the time I came back; then I only saw Lefleur; he met me just down at the foot of the hall; naturally enough my first question was to him, where was Chamberlain; he says, "Oh, he has skipped;" I says, "You will be in a nice fix when you get inside; the superintendent will blame you for it;" he says, "I telephoned to the superintendent from the Rathbone House;" I came in the institution 12 o'clock, noon; I went down to my dinner, went on the stand on duty in the pipe shop; about 3 o'clock Colonel Bryan came out and says, "Lampson, I am very sorry, but the superintendent says you have been visiting fast houses with Chamberlain and Lefleur;" I says, "Nothing of the kind; I would like to see the superintendent; what are they going to do about it;" he says, "You have got to go down in the store-room and change your clothes;" I says, "Let me see the superintendent first;" he says, "Very well, go up to the upper floor;" the superintendent was standing on the floor; I says, "What is this, Mr. Brockway, I am accused of; Colonel Bryan says something about fast houses;" he says, "Tut, tut, I don't wish to have nothing to say to you; I have got evidence; I have got proof; go on, go on;" I says, "Let me explain;" he says, "I want no explanation; go on;" with that I have taken to the store-room and put in the red suit and put in the rest cure, two meals a day; I was kept in there a time, and I was brought to the floor before the superintendent; Lefleur was there, and he assigned Lefleur to work and come over to me; I says, "What have I done to deserve the red suit and be reduced and deprived of my liberty;" he says, "I don't want nothing to say about it; I have evidence;" I says, "You can't have evidence of a thing I haven't done;" he says, "Let me hear all your story;" I told him word for word what I done, and this is what I done; I went from here straight down to the city; I met one of the teamsters of this institution as I was going down; he saw me alone, and I told the superintendent the same thing; I went down in the city; I went to the dry-goods store to buy some neckties for one or two of the officers; I couldn't

get what I wanted in one dry-goods store, and I went to another, and I couldn't get it there for the price they wanted; they wanted fifty-cent neckties of a certain pattern and I couldn't get them. and I saw an expressman on the corner outside the Rathbone House, and I went up and asked him if he could tell me where I could find a good dry-goods store that was cheap; he told me yes; he showed me Callahan's; I went in and made what purchases I had to do, and went into another dry-goods store right across from the Rathbone House, bought a few things there for myself, neckties and silk handkerchief; I went into a dry-goods store and bought a tooth brush and comb, and came out of there, and I walked up and walked back; that was the fate I met with; the superintendent, after explaining this to him, says, "Well, lock him up again;" I was locked up in the rest cure gallery again; called me to the floor a week afterwards, talked to me, said he was going to let me go out in the cabinet shop and by and by put back where I belonged; I wanted to know what I had done; he says, "I don't want any more talk about it all; go on out there;" I got no explanation at all; there I have worked ever since; that was the case of the parole; where I was deprived of my liberty for a thing I didn't do; on the 2d of September, 1892, I had a small piece of tobacco, about a quarter of an inch square; I was in the red suit then, the bread man, the one doing bread duty asked me for it, and I gave it to him; he got in with it and he said I gave it to him.

Q. You knew that was against the rules? A. Yes, sir; I was sent for from the cabinet shop; the superintendent asked me if I gave it to him; I said yes; he wanted to know where I got it; I says Captain Kelly gave it to me before he went home a paroled officer; he said I was lying; I told him that was the truth; I was taken in the bath-room and there I was put up against the wall, and received a flogging until the blood came from the right side; I know there were over twelve; when the blood came from me I was taken to the solitary, chained with my right wrist and right leg so I had to lay on the side I was paddled; I was brought up the next day, the third of September, and received the same treatment, and the same amount on the same spot where they fetched the blood the day before; I was then taken back to the solitary and chained down on the same side, and I had to suffer; I was kept down there on the fourth and fifth; Monday afternoon I was brought up again; the superintendent asked me where I got the tobacco from; I thought it was no good telling

him that story; I told him the truth; he wouldn't believe it; so I changed the story, as I had a piece of tobacco off a man that worked in the quarters, and he was here, and I knew when the superintendent asked him, and he said he gave me a piece of tobacco he would believe it; I had to tell him a man named Morris, I think it was, that worked in the barber shop quarters gave it to me, and he believed it, and I was let go to work; I have the scar on my body yet.

Q. Will you show it to us? A. Yes, sir.

Q. Were you knocked over the head at all? A. Yes, sir; across this side.

Q. How many times? A. I couldn't say.

Q. More than once? A. Yes, sir; twice, I think.

Q. At each of the two paddlings? A. No; only once.

Q. What did he hit you over the head for? A. I don't know whether for turning the head; I was dizzy.

(Witness exhibits his person and discloses several very distinct marks.)

Q. Is that all you have to say about your own treatment? A. Yes, sir; since then my health has not been the same; if I go in to dinner or any meal time, hungry, as soon as I sit down and take a mouthful of bread it will stay right there, and I can't drink anything, unless it is tea, and it must be scalding hot; if I take a drink of water it comes right up; I see the doctor and get powders, but they don't do good; I have thought to myself it is dyspepsia, so I have started in to take salt after every meal.

Q. Did Dr. Wey see you after you were paddled? A. Yes, sir; and gave me salve and bandage.

Q. After the first paddling or the second; did he see you after day of the paddling? A. No; I saw nobody until after I came out of the solitary.

Q. Was it the day you saw Dr. Wey? A. The sixth of September I saw Dr. Wey.

Q. Where did you see him? A. In the cabinet shop where I was working.

Q. Did he look at you? A. Yes, sir; went in the bath-room pulled down your pants, and I sent word to the hospital steward I wished to see the doctor in the bath-room, and he came in the bath-room and I showed him the marks; he smiled and says: "All right; I will soon fix that up;" I says: "Can't I be excused from military?" he said: "No;" he gave me salve and a bandage, and I had to rub that on myself, and it used to stick all the time; it was no remedy; Mr. Carter, who was working in the cabinet shop; boss at the time, came out in the shop and I told him: "If you speak to me in a low tone of voice I can't hear you; I have been

hit across the head;" I couldn't hear for three or four weeks after; there was a ringing in my head as if a bell was in side; it must have caught me in the temple."

Q. Is there any scar there now? A. No cut there; when I got hit in the head it was as if somebody had struck a drum and it began to ring.

Q. You don't remember now whether it was the first paddling or second you got that? A. No, sir.

Q. You do remember it was more than one blow on the head? A. Yes, sir.

Q. How many blows do you think it was? A. Two; I couldn't swear to any more.

Q. Have you ever been paddled any other time? A. No, sir.

Q. When did you get out of the red suit? A. Christmas last.

Q. When did you get in the blue suit? A. In July.

Q. What is your employment now? A. Cabinet maker.

Q. What was your employment before you were reduced to the red suit? A. I was paroled here as an officer, on the stand in the pipe shop.

Q. Have you any other complaints to make of your own treatment? A. I want to know on what ground the superintendent can make me forfeit the money I earned while on parole?

Q. What do you know about the rules; can you state who was in the bath-room when you were paddled? A. Colonel Halpin, on both occasions, and Mr. Sample.

Q. Any other inmates that saw you when you were leaving that room or going into it? A. I couldn't say; I was too dizzy and dumbfounded.

Q. Did you show your back to anyone else besides Dr. Wey that morning? A. When I came out of the shop Stankopf was working with me at the bench, and I showed him the scar.

Q. Who else? A. Mr. O'Brien, the hospital steward that was here then; he is not here now; I don't know where he is.

Q. Is Sample here now? A. Yes, sir.

Q. Do you know of any paddlings of other inmates? A. I can't prove it.

Q. Do you know about them? A. I worked in the hall before I was paroled, and I have seen men come out of the bath-room with their heads cut; I couldn't give the names; I have seen four such cases.

Q. During what period of time? A. In 1890; within three weeks.

Q. Ever see an officer knock an inmate with his closed hand or fist? A. No.

Q. Ever heard an officer use profane language? A. Yes, sir.

Q. Who ? A. Mr. Sample.

Q. To whom ? A. To me.

Q. When was that ? A. The day I went out to work to the cabinet shop, after being reduced from parole; I went to the storeroom to get a hat, and Mr. Sample says, "You son of a bitch, we will make you tell where you got your tobacco from before you get out of here; I will get you down in the bath-room for it by and by, and we will make you."

Q. Ever hear any of them use profane language ? A. No, sir.

Q. You have stated all you wish to state ? A. Yes, sir.

Q. What are you here for ? A. Grand larceny.

Q. Was it true ? A. Yes, sir.

Q. How much did you steal ? A. Valued at $500.

Q. What was your position at the time ? A. I was out of employment.

Q. What had been your employment before ? A. Carpet-laying.

Q. Where ? A. In New York.

Q. Why were you out of employment ? A. It was slack time.

Q. You hadn't laid up any wages? A. No, sir.

Q. You did get good wages ? A. I hadn't been working steady; my term expires the twelfth of January; Mr. Carter, who lives just below the hill, and was boss of the cabinet-shop, saw me after I had the paddling and said I had too severe a beating for a paltry piece of tobacco; the red-suit men get hash in the morning and it is cold; they get all the bread they want; it is sour; the doctor, when I went before him a few months ago with diarrhea, I had it for three weeks, I can't eat anything but what it runs through me; he says, "You must not mind that, you must not eat the bread;" I says, "Why;" he says, "It is sour."

Q. When did he tell you so ? A. Two or three months ago.

Q. Where was it ? A. In the cabinet-shop; next day I went to him; I says, "I still have the diarrhea; will you give me something for it;" he says, "What have you been doing;" I says, "I left off eating bread and just eating the meat;" he says, "That is what give it to you;" I says, "What will I get to eat;" he says, "There are plenty of other things."

Q. What other things are there ? A. That is all, everything run through me; he told me the bread was sour.

Q. What do the red-suit men get for dinner ? A. Pan of soup, vegetable soup.

Q. Meat stock in it ? A. Very little; I don't know how it is made.

Q. Isn't that warm ? A. Yes; it is warm, and bread and water, and part of the time they get molasses and bread and water.

Q. Did you get hungry when you were in that grade? A. No; you can eat all the bread you want.

Q. When you were in the red grade where did you work? A. In the cabinet-shop.

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Elmira, Thursday, October 19, 1893.

The committee met, pursuant to adjournment.

Present.—Hon. Oscar Craig and E. H. Litchfield.

John Keller, 2968:

Examined by Mr. Craig:

Q. You wanted an interview with us? A. Yes, sir.

Q. State what you wish to state? A. I would like to state I have been here now nearly six years; I heard you talk in the lecture-hall, so I thought I would come up here and answer what questions you put.

Q. We have no questions to put? A. All I can say is, I was treated pretty fair by Mr. Brockway, but by inmates I was treated unfair; I received reports I didn't deserve, and they stood.

Q. When? A. Right along since I have been here.

Q. What reports were they? A. Reports for talking, different rules.

Q. Were they true? A. No, sir.

Q. What did you do? A. I sent them back, and they stood.

Q. Did you have an investigation? A. Yes, sir.

Q. Did you say they were not true? A. Yes; the monitors always said they were true.

Q. Any other witnesses? A. Sometimes.

Q. Which way were they, against you or for you? A. I couldn't say, I was outside; I was called in first, and after I was sent out the other party was brought in.

Q. Can you remember any particular case where you received injustice? A. I got a report the other day; I sent back twice, for making a box to keep my clothes in; the storeman said he got me permission to make this box; if he got me permission to make this box I should be allowed to do it; he is a citizen officer; he said he gave me the lumber to make the box.

Q. Do you know the foreman was called before the investigating committee? A. No, sir.

Q. What is his name? A. Mr. Utter.

Q. When was it? A. On the twelfth of this month.

Q. Anything else you want to state? A. I can say Mr. Brockway has treated me pretty fair since I have been here.

Q. Have you ever been spanked? A. I think I deserved it; I broke some rules of the institution; I don't think I ever got punished without I didn't deserve it.

Q. How many blows did you receive? A. About six.

Q. Any over the head? A. I never got struck over the head.

William Healey, 3830:

Examined by Mr. Craig:

Q. You wanted to see us? A. Yes, sir; I came here on the 29th of January, 1890; I have been here four years now, will be four years next January; I am held here for a light offense, most of my time served here under the head of inmates; innates is the cause of it; inmates over me.

Q. You mean reports on you? A. Yes, sir.

Q. What particular reports have been wrong? A. No particular report; for instance, I have had a man take me aside, and I talking to him, and he has taken me aside from where there would be a witness and take me in the corner, and went over and told the officer I called him a liar.

Q. Give a particular time and place and officer? A. I have been reduced for refusing to work on Sunday, and I have been flogged for that; that was the 11th of August, 1890.

Q. What did they ask you to do on Sunday? A. Wash dishes and scrub the floor in the kitchen, and it wasn't my work; my work was to peel potatoes and such as that; I told them I wouldn't work on Sunday.

Q. In our opinion, somebody has got to wash dishes; did you say all that in the report of the fifteenth of last month? A. I said I was here long enough to know my business.

Q. Why did you want to be put in the physical training class? A. Because I seen I was sinking away.

Q. Do you practice those things he says? A. I do; I acknowledge it.

Q. We can not interfere; how many times have you been flogged? A. Several different occasions; the last time was a year ago.

Q. Who flogged you? A. The superintendent.

Q. How many blows did he give you? A. Three, across here (buttock).

Q. On the head or face? A. He would strike me across the face when I would turn around.

Q. How many times did he strike you on the face? A. Twice the last time.

Q. What did that have to do with your health? A. The first time I laid for two full weeks in my room; I know it was from

nothing else: Dr. Wey came in and says: "What are you doing with yourself, John?" I says: "Doctor, it ain't from that at all;" during my time here, when I was in the red suit, I think, I was entitled to be taken out as well as any other man.

Q. Do you complain of any more severe floggings than the last one? A. They were all severe.

Q. What were you flogged for last time? A. Reports I received from inmates; I had a blue suit, and I went to the superintendent and asked him to give me my good time; he refused, and told me if I had a good record he would let me go, otherwise he would not.

Q. Did you sign seditious communications? A. I went out in the shop, and there was a petition got up among the men to ask Mr. Brockway for assistance; I was one of the men that signed my name; I got this and was refused; there are men that got reports for licentious conduct that were not reduced.

Q. Did you sign the document? A. I did.

Q. How many other names were on it? A. Ten; the others got red suits, and some got black suits; what made me sign it was because it didn't seem as though he would do me justice; a man named Bird drew up the petition; there are several men have been flogged at the same time with me; it was not the last time; McGowan, 3485, was flogged; he came out to me staggering; he says: "I ain't able to stand up;" I says: "Mc., I can't do nothing for you; I took my dose too;" he has been up in the hospital; Cleere, 4020, got paddled; I saw him pass my cell.

John Wachsman, 5403:

Examined by Mr. Craig:

Q. You wanted to state something to us? A. Yes, sir; all I have got to say, I have been down in the bath-room six or seven times; I have been spanked five times; the cause of my going down was on account of fighting, and reports and refusing to work.

Q. State the last time you were spanked? A. About five months ago.

Q. How many blows did you receive? A. Three.

Q. Where were they applied? A. On my backside; and I got two across the face.

Q. Did it hurt you on the face? A. No; just blackened my eye.

Q. What did you do at that time? A. I was fighting; they call it fighting if you start to quarrel.

Q. When were you spanked before that? A. The month before that.

Q. How many blows did you receive? A. Three.

Q. Where? A. On my backside.

Q. Anywhere else? A. No, sir.

Q. What did you do then? A. I refused to work at that time and did do the work; I told him it was not my place to do it; I got a chocolate, and after the colonel investigated the next morning, he said, "You ought to have chalked him right in; you hadn't ought to have let him do the work;" the colonel said, "Did you refuse to work?" I told him it was not my place to do the work; he said, "Whatever the monitor tells you to do you want to do; I will chalk you in now."

Q. When were you spanked last before? A. About two months before that.

Q. How many blows did you receive then? A. Three.

Q. What for? A. For fighting again.

Q. Did you fight? A. No, sir; I took a copy away from a man, and a broom that belonged to him.

Q. During the tussle? A. Yes, sir.

Q. When were you spanked last before? A. That is all; I can show you the marks from the first time I was down there.

Q. Whene was that? A. I was in the black suit when I first came here four months, and then three months in the red suit; I came up here in July, 1892.

Q. You are sure the marks are from the first spanking? A. Yes, sir.

Q. Were you struck across the face? A. Yes, sir. (Witness exhibits his person, and shows marks on his buttock.)

Q. Ever hear any of the officers swear? A. No; I know a citizen officer, LaRoc, a citizen officer; he says, "Carry in the trace;" he was drunk that day; he was laying down on the chair sleeping half a day, and he came up to me and took hold of me, and punched me in the face, and knocked me on the floor, and kicked me all over the floor; that was a Saturday afternoon, this last summer.

Q. What had you been doing? A. I wasn't doing anything; I was standing there waiting for a man; I was the odd man there.

Q. Is La Roc here now? A. Yes, sir; when I send back a report the colonel will say, "You are lying;" I say, "No, colonel; I ain't lying," and then he will chalk me in.

Henry O. West, 3979:

Examined by Mr. Craig:

Q. State what you want to? A. In the first place; I have been unjustly kept here during the period I have been here; three years and seven months.

Q. What are you here for ? A. Forgery, second degree; it was true; shortly after my interview with the superintendent, before I had left his presence, he stated to me, "Well, we haven't much use for you here, and I think you are elected for about half your time;" I consider from that I am here for five at least.

Q. You are in for ten, the maximum ? A. Yes, sir; four months later I was reduced to the second grade for using profane language.

Q. Did you use it ? A. Yes, sir; I says, "Why, if it wasn't for that son of a bitch there I would not have got this report."

Q. Nothing more ? A. Nothing more.

Q. Whom did he address the language to? A. Another inmate.

Q. Was he a monitor ? A. No, sir; another inmate standing alongside of me in the line.

Q. What was his name ? A. If I remember rightly his name was McCarthy; for that I was taken to the bath-room.

Q. Do you mean to say that was all that occurred ? A. Yes, sir.

Q. Was there some quarrel between you ? A. No, sir; it was a report investigation.

Q. What did that man do you called a son of a bitch ? A. He had given me a report; he was an officer in the company.

Q. You had an investigation ? A. Yes, sir.

Q. Who were the witnesses ? A. A lieutenant named Baldwin and another lieutenant named Parkson.

Q. Were they all against you ? A. No, sir.

Q. How many were in your favor ? A. Two.

Q. How many against you ? A. One, the reporting officer; the report, after the investigation, was cancelled, proving it had been unjust; after I came out from the investiagtion I stated to this man, "Were it not for that son of a bitch I wouldn't have got this report."

Q. How did that become known ? A. It was known through another lieutenant, named Baldwin; he happened to overhear me, and made out a report; I was chalked in.

Q. It was true ? A. Yes, sir.

Q. You were reduced to the red and taken to the bath-room ? A. Yes, sir; there I was told to take down my pants and subjected to nine cracks.

Q. Where were they applied ? A. Over the kidneys (indicating).

Q. Were you hit anywhere else ? A. No, sir; I was kept in the grade five months, with what is now termed a fairly good record; that is, one six, two eights, and two nines; Thanksgiving there was a proclamation issued that any man that made a perfect record would be restored in grade; I made my perfect record and

was not restored; Christmas there was another proclamation issued; after that one I was restored; I was subjected to three months' confinement in the grade; I was kept down five months and a half with a good record; two nines, two eights, and one six; all I was kept in the grade was for minor reports, such as raising the hand and gaping about the shop.

Q. Reports made by whom? A. Inmate officers; the only complaint I have to make is against inmate supervision; whatever that inmate takes in his head he will accomplish in course of time; it will be done slowly; he will keep sending in minor reports against you; against that you have to combat; after I was restored in Christmas, four months I was in the black suit, and then I was reduced again, and that was for denial of a report; I broke a small bit in the shop.

Q. How did you happen to break the bit? A. Through accident.

Q. Did you deny it? A. Yes, sir; I distinctly stated I did not deny the report for breaking the bit, but it was an accident, and could not be helped; I denied the report; at the investigation I distinctly stated the statement on the report was true, but that it was an accident; that report stood, and I received a first-class report for denying it, and I was reduced in grade three days later; then I was kept down two months and restored on a proclamation; then came four months with four eights; the last month the eight was obtained in obtaining seventy per cent in political economy, lacking five per cent of the necessary seventy-five; for not getting that seventy-five I was again reduced and kept down thirteen months in the red suit; during the time that I was confined in that grade I was subject to nothing but inmate supervision entirely; during that time I was continually getting first-class reports for trivial offenses, for such offenses as not hurrying work fast enough, and for April fooling the monitor, telling the monitor there was something on his coat, and other offenses of minor detail; during that thirteen months I was taken to the bath-room three different times; on the twenty-fourth of February I was chalked in for the man that I was doubled up, with having tobacco in the room; I distinctly stated I knew nothing about that tobacco, and I did not; he says: "All right, we will find out whether you did or not; take down your pants and go over there:" I was then given seven cracks.

Q. Was there anyone who said you did know about it? A. My room-mate said it belonged to me.

Q. Did he implicate you at all? A. No, sir; not that I know of.

Q. When was this? A. Twenty-fourth of February, 1892.

Q. What is the name of your room-mate? A. Joseph Carr, 4728.

Q. What was the number of your cell? A. Seven hundred and ten; my room-mate is here still; he told the superintendent that tobacco was his; after he had been in the superintendent called me in and wanted to know what I knew about it; telling him I knew nothing; I was punished for not knowing something about it.

Q. Did he have an interview with you afterwards about it? A. No, sir; on the 14th of June, 1892, I was again taken down to the bath-room for delaying work in boat-shop; there I was given nine cracks again; and in proof of some of my statements I have a couple of written typewriters the superintendent has sent me, warning me to beware of the treatment; the 14th of June, 1892, was the last time I was punished; once I was taken down and let go.

Q. What was that for? A. That was for calling another man a liar; the occasion was over some tool missing in the boat-shop: the first time I received nine blows; second time seven, the third time nine.

Q. What were you paddled for the third time? A. For delaying work.

Q. Did you delay it? A. Not more than I could possibly help; that time I was subjected to nothing more or less than an inmate officer; the instructor at the shop; I told him I would do it as quick as possible, and I would take no orders from the monitor; I received a first-class report for telling Mr. Tygart that; that report was put against me; on the one that said "deliberately delaying work;" that is the one he spanked me on.

Q. Did you do the average work in the shop? A. Yes, sir.

Q. Do the men have average work to do? A. There was no task in the boat-shop at that time; never was.

Q. Where did you receive the nine blows the last time? A. There (indicating).

Q. Any over the head? A. No, sir.

Q. What grade were you in before you were reduced? A. The black suit.

Q. Did you wear the black suit when you went to the bath-room? A. Yes, sir.

Q. You were not changed to the red suit until after you had been spanked? A. Yes, sir; on the thirteenth day of August I was chalked in; I was let go that day; I was taken down to the store-room that adjoins the bath-room and was told by the officer there that my chastisement had been postponed twenty-four hours; the next day I was chalked in and spanked.

Q. When you went into the bath-room you were in the lower first grade and in the black suit? A. Yes, sir.

Q. After you left the bath-room after your spanking, where did you go immediately? A. In to the store-room.

Q. And there you were changed from the black suit to the red suit? A. Yes, sir.

Q. Are you positive about that? A. Yes, sir; it is only three weeks since I was reduced myself.

Q. Are you in the blue suit now? A. Yes, sir; I was a lieutenant and was reduced to the rank.

Q. Not reduced in grade? A. No, sir.

Q. What were you reduced in ranks for? A. I was reduced for asking the men how many were knocked out.

Q. Has the report ever been taken as true, simply on the statement of the monitor? A. The monitor's word is always taken, especially if it is a shop.

Q. In any case of your own, where you think you were treated unjustly, was his statement taken against yours, without any other witnesses against you, or any circumstances corroborating the monitor? A. Yes, sir.

Q. Give us the dates of those cases and the names of the monitors? A. As regards to the dates; I don't think I could get them accurate; although I have reports in my room which would furnish the correct dates, but the monitors I would chiefly refer to is one, Mayer, 4308; he is not here now.

Q. Any case of a monitor who is here? A. No, sir.

Q. Did you, at the time you received marks on account of reports of inmate monitors; did you receive, about the same time, reports from other monitors? A. No, sir; I was in that one shop entirely.

Q. You hadn't received reports from anyone else about the same time? A. No, sir.

John Wender, 5758:

Examined by Mr. Craig:

Q. How old are you? A. Seventeen years now.

Q. How long have you been here? A. About eight months.

Q. State what you want to? A. I don't understand much.

Q. You are a German? A. Yes, sir.

Q. What did you want to say to us? A. I would like to make a blue suit and it is pretty hard for me.

Carlton H. Chapman, 4687:

Examined by Mr. Craig:

Q. State what you want? A. I wish to speak to you about this power given inmates over inmates; it is used unjustly; it has been used against me unjustly.

Q. Give us a particular case? A. I was sitting up here on the floor; just came up here to see you; we were sitting at the table on the left, and they called us over to sit on the right; I sat down in my chair, and Mr. Woolley says to Mr. Jones, "Move the men up here;" I moved my chair there about eight feet behind the man in front of me; I moved my chair about half way, and he came to me and says, "Now we have placed these chairs just as we want them; what is your object in changing them?" I says, "I have no object in changing them; you said to move the men up in front; I was moving up to give the man next to me to move up;" he went in the office and called me to come up to the door, and called Mr. Lazenby and says, "Chalk this man in down in 601."

Q. What does it mean? A. Generally when you are locked up it means get a red suit; if you have been doing something that is wrong they will lock you up here.

Q. State just what he said to you, the very words, as far as you can? A. He says when I moved my chair up: "We placed those chairs where we want them; what is your object moving up to this man here?" I says: "I have no object in moving up there, simply you state to get these men up prompt."

Q. Did you use any impertinent language? A. No, sir.

Q. Have you told us all you said? A. Yes, sir.

Q. Who were the men that were present in line and heard this? A. Weekie, the band master.

Q. Weren't there any other inmates? A. Yes; but I don't know their names; I have received reports; I got one last month up in school, chocolate, merely for copying examination papers; it was given to me by a citizen offier, Lazenby.

Q. Did you try to copy? A. No, sir.

Q. You denied the report? A. Yes, sir.

Q. It was investigated? A. Yes, sir.

Q. What was done to you? A. Nothing.

Q. Give a case where you were punished? A. It is keeping me here; it is hard to remember just the time; I am in the band; I play an alto part; here is an inmate over me, named Weekie; he has reported me for not playing my part; one day I was playing my part of a galop; he came and said I didn't play it right; he kept me playing it until I was so tired out; the doctor happened to come in; when I got downstairs I had to sit down; he kept me playing for over half an hour steady; it used me up.

Q. Was anything done to you about that? A. No, sir.

Q. What did the doctor say? A. He took me over to the gymnasium and didn't give me any decision; I had been on the doctor's list that morning.

Q. What did the doctor do with you; tell you to go back to your own room? A. Yes, sir; I got a chocolate report in the trade school six months after I came here; I said it was wrong; the monitor said before he sent it in: "You can square this report if you want to;" you know what that means; if I had tobacco I could give it to him; his name was Hartwick; I told the superintendant about that; he says: "Why didn't you come to me before?" I couldn't come to him before; he says: "If we could prove it we would punish that man;" I said to the superintendent that night: "All I want is justice;" he says: "You don't want justice; you want your damn neck broke;" that was over a year and a half ago.

Q. Where was it? A. Right here in the guard-room floor at interview; I came up to see him about this report.

Q. Have you ever been to the bath-room? A. Yes; I was down there twice.

Q. Spanked? A. No, sir.

Ernest Wiedtke, 3265:

Examined by Mr. Craig:

Q. Do you know Chapman who was just in here? A. Yes, sir.

Q. When did you last see him before he came in here? A. Just this morning; he is in the band.

Q. Did you see him in the guard-room? A. No, sir; he was chalked in.

Q. Didn't you see him before he was chalked? A. Yes.

Q. Where? A. Down in the band-room.

Q. What was he chalked in for? A. I don't know; he came on the floor this morning and Mr. Woolley he tried to talk to somebody, and that is the reason he chalked me in.

Q. What is your position in the band? A. Instructor.

Q. Did you ever make him play for half an hour? A. I got the order from Mr. Hoppe; he is our leader, and if a man don't play his part I have to report him.

Q. Is Chapman strong? A. I don't think he is strong; he has bad teeth.

Q. Do you remember an occasion when you made this man play half an hour? A. You can't play half an hour at once; he plays very easy; he plays the harmony; a man ought to be able to play on that instrument an hour or an hour and a half.

Q. You didn't see what occurred in the guard-room? A. No, sir.

Q. Did you sit near this man when he was told to move up? A. Yes.

Q. Tell what you know? A. I was sitting first and I don't know what happened; I didn't turn around; if a man turns around you get a report; I only listened to what Mr. Woolley told him; "You sit right there and keep your chair back; you want to talk to this man;" then Mr. Woolley went in the office and called him over and told the head hall-keeper to chalk me in.

Q. What did Chapman say? A. I don't know.

Q. You didn't hear him use any improper language? A. No.

Q. Did you hear an officer on the guard-room floor give an order for the boys to change their position? A. No, sir.

Q. Did you hear an order given to move up? A. I didn't hear that.

Q. Did you move up your chair? A. No; I didn't hear a word; something happened behind; I don't know what man it was.

Q. Tell us what you wanted to state to us? A. I am here nearly five years now, four years and ten months.

Q. What are you in for? A. Grand larceny.

Q. Was it true? A. Yes, sir.

Q. How much did you steal? A. Two watches.

Q. From a person? A. Yes; where I was working; I came here first and thirteen months I made a parole and I asked the superintendent for a job here, and he put me on; I was two months here on parole; my trade is machinist, and I wrote outside and had a position in Cincinnati, eighty dollars a month, and here I was getting thirty dollars; after that I went three or four times down town and got in a few saloons and drank a little.

Q. You got drunk? A. Yes; and when we came back we were afraid, and took what you call French leave, and they sent for us and brought us back; I am satisfied with that; since I am back two years and a half, I was put in the lower grade, kept down for school, because I am a German and I couldn't talk a word of English; it was hard for me to make my examination, and I lost marks in school.

Q. Have you ever been punished? A. No, sir.

Q. Have you ever seen any punishment? A. Yes; I saw a man would be taken down and get four, fifteen, twenty straps.

Q. How do you know of twenty straps? A. The man told me.

Q. When did he tell you, after he had been strapped? A. Yes.

Q. Who was he? A. They have all gone out here; three or four months ago a man was in the bath-room, and the second day he died; his name is McKeough, or something like that.

Q. How do you know he was taken to the bath-room? A. Every dinner time every man that gets chalked in he goes down in the bath-room; I saw the chalk on his door; after that he came out and was transferred to the hospital.

Q. How do you know? A. Because he couldn't stand up; he was bandaged all over.

Q. Who told you about it? A. Every man in the hospital.

Q. Was there anybody told you that saw it? A. Yes; but I can't tell the man.

Q. Is that all you know about that case; was he in your band? A. No; I know another case, a man that worked in the foundry two years ago; he laid in his room; the doctor comes and says, "What is the matter with you;" the doctor treats a man like a dog, and says, "What is the matter with you," like that; "Oh, I feel sick, I can't work;" he gave him a first-class report for faking and sent him out; the other day they found him dead.

Q. When was that? A. Two years ago; he was a colored man.

Q. Where did he lock in? A. I don't know; he worked in the foundry.

Q. You say he was lying in his room in the morning and the doctor came along; he made his complaint to the doctor and the doctor sent him out to the shop? A. Yes, sir; in the afternoon he came in and was lying in his room, and the next morning the doctor found him dead.

Q. Do you know anything further about that? A. I don't know.

Q. Tell us another case? A. I know lots of cases; about last January there were so many men transferred to Clinton or Auburn; a pretty little boy and lots of men receive tobacco from that fellow and they use you.

Q. Do they generally think that those men who were sent to State prison were guilty? A. No; not every one; I know Major Valentine used a boy; a friend of mine, who was here on parole told me.

Q. What is his name? A. He was sent to Auburn.

Q. It was charged he did such things? A. No; the parole men were talking about it.

Q. You understand he wasn't charged with doing those things but he knew of them and did not report them? A. That is the trouble.

Q. What is his name? A. I can't remember.

Q. Have you ever been ill treated? A. I never had bad treatment here.

Q. Do you know of any other cases of punishment? A. Yes; I saw myself when I was here on parole men get punished with a strap, and if he tried to turn around he get slapped over the face.

Q. Did you see it? A. Yes, sir; I was upstairs.

Q. Could you look into the bath-room? A. Yes; I was in the store-room; the principal keeper and two other officers stand around there to hold that man; as soon as they throw him down they hit him.

Q. How could you look in? A. I was in the store-room.

Q. What time was this? A. Every dinner time.

Q. What year was it? A. Eighteen hundred and ninety; in the winter time, from March to April.

Q. How long was you stationed in that place so you could look in? A. It was only that dinner time.

Q. How many men were whipped while you were there? A. Fifteen or twenty.

Q. That one time? A. Yes; when they came out, sometimes they would come out with a black eye; when he lays on the floor the principal keeper kicks him, Mr. Winnie, at that time.

Q. Did you see them strike them over the head? A. Yes; there is another young fellow that was in the band, 3634, Frost; he was playing the piccolo; he was here about seven months and he was doubling up with three fellows in one room, and one of his room-mates got a girl's picture, and he took that picture and showed it around the band-room, and said to everyone it was his wife or cousin; the other room-mate went to the superintendent and said that man stole that picture, and he was chalked in at dinner time, taken down to the bath-room, and when he came out of the bath-room he had his eye all knocked over here, laid right open.

Q. Where were you? A. He came to the band-room; he had a big handkerchief around; the scar is now here; he is now in the Soldiers' Home at Bath.

Q. Any other case that you know? A. I can't remember anything at present now.

George Brinkman, 4630:

Q. Do you know Chapman? A. Yes, sir; they chalked him for nothing; the man came in and sat down and just moved his chair up and Mr. Woolley saw him and chalked him in; I was two men behind him.

Q. Was there any order to move up? A. They were all moving up right along.

Q. Did you hear any order to move up? A. No, sir.

Q. They were all moving up together? A. They were on the other side and they all came over, and Mr. Chapman moved his chair and he saw him and called him over.

Q. What was said between Woolley and Chapman? A. Woolley says something to him; "You want to talk to him, eh?"

I am not sure whether this man answered him back or not; he walked over to the clerk, and he says something to the clerk, and he called over to Chapman, "Come here," and he says to the officer, "Mr. Lazenby, chalk this man in;" that is all I heard.

Q. Do you know any other man who heard that occurrence? A. They must all have heard it: Healey sat behind me.

Q. State what you wanted? A. I have been accused of being uesd as a women by certain men in January; the men have been transferred; I lost my grade; I am doubled up with a man and they took suspicion; I was accusing him as a woman and he using me; and they took us in the bath-room and kicked me, and then took me in the solitary, and kept me three or four days; my belly is swelled up.

Q. Was it true? A. No, sir; they say Shorter, 4594, said it was true; I told them to bring the man in front of me and they wouldn't do it.

Q. Who did you tell? A. The superintendent; when he brought me in the bath-room to flog me; he says, "Yes; you done it; you have been used as a woman," and he flogged me and strung me up with cuffs on the bars.

Q. What were you strung up for? A. For denying it.

Q. Did you resist down there? A. I never showed no fight; I didn't want to take down my pants; I wanted to know what I was to be flogged for.

Q. They took him down afterwards? A. Yes, sir; I took them down afterwards.

Q. Do you know who said you were being used as a women? A. Hoppe himself.

Q. He didn't say it; who was it that stated to the superintendent that he saw you used as a women? A. They claim this man says so; the man in with me, Shorter.

Q. Did Shorter say so? A. They claimed so.

Q. Didn't they give you any chance at all? A. No, sir; there is a duty man up on the gallery; they accused me of having conversation with him, licentious, and his allowing men to come in my room and using me as a woman.

Q. Was it true then? A. No, sir.

Q. Who said so then? A. They say this man says so; 4326. Miller.

Q. He said he saw you being used as a woman? A. That is what they claim.

Q. When was this? A. It was all together in January.

Q. How long was it between the two times? A. About four days before.

Q. Isn't it rather strange two different places and two different times you were accused? A. I acknowledged the first when they beat me so I had to say yes.

Q. How many times? A. They took me out in the middle of the night and brought me down in the bath-room; they had me chained to the hot pipes in solitary and there I was kicked by the colonel.

Q. Where did he kick you, where were you? A. I was chained on the floor; I denied it also; he made me say it there.

Q. What was the first occasion when you were accused of being used as a woman? A. They had a paper there and he read some thing to me and I didn't understand what it was.

Q. You told me at one time your room-mate accused you of being used as a woman; was that the first time? A. Yes.

Q. When was the next time? A. The day afterwards.

Q. When you were locked up somewhere else? A. Yes.

Q. Where were you locked the first time? A. Seven hundred and thirty-one.

Q. Where were you locked the second time? A. Seventeen hundred and four.

Q. That was the day after? A. Yes.

Q. Then were you brought before the officers on either of those charges? A. The day after the first.

Q. Then you were locked in the other place? A. Yes.

Q. Then they claim you did it again there? A. Yes; because I acknowledged it first off; I says, "Yes," everything they asked me, for the sake of having them stop pounding me.

Q. How many blows did they give you? A. They had to carry me out.

Q. Who carried you out? A. Principal Keeper Sample.

Q. They picked you up in their arms? A. They carried me out and laid me in the cell.

Q. So your feet didn't touch the floor? A. Yes.

Q. Did they strike you over your head? A. Yes; many times; I had black eyes.

Q. Did they strike you over the head this time? A. Yes, sir.

Q. How many times? A. About ten or eleven times.

Q. What did they strike you over the head for? A. When you turn your head around.

Q. Did you keep turning it? A. I couldn't stand it.

Q. They put you in the dungeon and chained you down? A. Yes.

Q. When was it the colonel came and kicked you? A. The first thing in the morning.

Q. You said a little while ago it was at night they flogged you, in the middle of the night? A. Yes.

Q. What did you say it was in the morning? A. The colonel comes down with the man that has the keys; they come in and talk to you.

Q. You say you were whipped at midnight; was that the first time? A. Only once they flogged me at night.

Q. Who were present when you were flogged at midnight? A. The superintendent and Mr. Sample and Colonel Halpin.

Q. Was that the time you were strung up? A. Yes.

Q. That the time you were hit over the head? A. Yes, sir.

Q. They put you in the solitary? A. Right after that.

Q. How long did you stay in the solitary? A. Three days.

Q. When did the colonel come in and kick you? A. That was the day after; the first day I was there.

Q. The second day? A. Yes, sir; in the morning.

Q. Were you flogged a second time? A. Yes.

Q. Taken back from the solitary? A. Yes; at dinner time.

Q. How many days after the first flogging was it? A. Two days.

Q. How long was the second flogging after the first? A. The next day after, at dinner.

Q. The same day the colonel came in and kicked you? A. Yes, sir.

Q. How many times did they strike you the second day? A. I couldn't say how many times; I know there was more than eight or nine.

Q. Did they strike you over your head? A. No, sir.

Q. Did they string you up? A. No, sir.

Q. When was the third time? A. The day afterwards.

Q. What time in the day? A. Twelve o'clock.

Q. Were you in the dungeon when they took you out? A. Yes.

Q. How many times did they strike you then? A. I don't know.

Q. Strike you over your head? A. No, sir.

Q. String you up? A. No, sir.

Q. When was it you confessed in order to avoid punishment? A. The first time.

Q. At midnight? A. Yes.

Q. Why did they flog you the third time? A. They brought other charges against me, and I says, "Yes, sir;" eight men all together were put against me.

Q. They wouldn't let you confront them? A. No.

Q. What are the names of the men? A. Hafner, 3065, he is here; Harrington, 4403, he is here; Oseonnel, he was transferred

to Auburn; Shorter is here; Miller in here; Captain Houdes, he was a parole man and was transferred; Captain Burke, 4365, transferred to Auburn; Geoghan, he is in Auburn.

Q. Were you confronted with any of these men at all ? A. No, sir.

Q. Tell me whether you had been used as a woman at any time in this reformatory ? A. No, sir; never did; nowhere; they won't give me a chance; they beat me for every report I get; they say, "You are not fit to talk to anybody; you are a dog;" in June I got nine and got out of the grade, and I was called on the floor the last time you met here and I was told if I got another yellow report they will reduce me.

Q. When did you go to the black suit ? A. In June I got four nines.

Q. Any matters you want to give to us ? A. There is a man, I think, died for getting flogged; he got a report for talking to me; he went down to the bath-room the same day with me; they had to carry the fellow out; he was laid up in his room, and a couple of days after I saw in the Summary he was dead.

Q. What year was it you were flogged with him ? A. Eighteen hundred and ninety-three, in May.

Q. What for ? A. For getting reports; he took me down; more than twenty times I got accused; he had an extra strap for us people; had a piece of leather sewed on to it about that wide and that long, and at the end had a piece of leather sewed on, and when he hit you you could see stitches.

Q. When was that strap used last on you, last spring? A. He only had that strap since January.

Q. When were you whipped last ? A. May; he didn't use that strap that time; he used the regular strap; he only used it three or four times on me.

Q. Just as wide as the old strap ? A. Just as wide.

Q. The new one has a piece sewed on the end of it ? A. Yes; on the end he had a piece of leather about a quarter of an inch, sewed on, and when he hits you it makes a big lump and busts.

Q. Any other boy hit with that strap ? A. Yes, sir; Shortwell, Wiley, 3342; he is outside waiting.

Q. He has been paddled with that same paddle ? A. Yes; sometimes I met him down there.

Q. How do you know which paddle he was paddled with ? A. I saw the strap when I was in.

Q. In May the man that died was paddled with you ? A. Yes.

Q. Did you see him paddled ? A. No; I was brought in first; they brought me out on this side and he came in on that side.

Q. You saw him locked out when you went in ? A. Yes.

Q. When did you see him next ? A. He was carried out by the two officers; I saw them.

Q. Who was the officers ? A. Sample and Colonel Halpin.

Q. Do you know where they carried him ? A. Next cell to me.

Q. How did they carry him ? A. Sample had him by the legs and Colonel Halpin had him by the head; the man's pants were hanging down.

Q. His feet did not touch the floor ? A. No; I locked in 710 and he locked in 711; he laid in sick.

Q. When, after his paddling, did you see him ? A. I used to see him every day.

Q. How many days did you see him in the cell ? A. Three or four times I spoke to him.

Q. How many days ? A. I know he was in the cell.

Q. How many days was he there ? A. He was in there about three or four days when he was carried to the hospital.

Q. How do you know ? A. A man next to me, that laid in sick, he told me they carried him out, Lynch, 4902.

Q. How do you know he died there ? A. I read it in the Summary.

Q. How long afterwards was it? A. In June he died; his name was Murray, 5355.

Q. How many times have you been paddled here? A. I couldn't say all together; I got flogged many times when I first came here.

Q. Before last June? A. Yes.

Q. How many times since? A. I couldn't say.

Q. What offenses have you been flogged for? A. Bad conduct, having too many reports.

Q. What have you been flogged since January for? A. Dusty room and dusty walls.

Q. When was the last time you were paddled? A. In May.

Q. Never paddled when you were in the black suit? A. No; I saw the new superintendent; he won't give me no situation; Mr. Hoppe is acting more superintendent than that man.

Q. Are there any marks on your buttock? A. I don't know.

(Witness exhibits himself but showed no marks.)

Q. What grade were you in in January? A. Black suit.

Q. What suit did you wear when you went into the bath-room to be punished? A. They didn't change my clothes until after the punishment was over.

Q. How long after did you put the red on? A. About four days afterwards.

Q. Were you punished more than once in this suit? A. They never flog in this suit.

Q. Were you in this suit when you were flogged? A. Yes, sir.

Q. Were you in that suit more than once when you were flogged? A. Yes, sir.

Q. When you were first taken down to the bath-room to be punished in January what suit did you wear? A. Black suit.

Q. When you came out of the bath-room after being punished did you change your suit? A. No, sir; had the same suit on.

Q. When were you taken to the bath-room the next time? A. The day after.

Q. What suit did you wear then? A. Black suit.

Q. When were you taken to the bath-room next? A. The next day.

Q. What suit did you wear then? A. The black suit.

Q. When you were changed into the red suit, after you had received the three spankings? A. Yes, sir; when everything was over.

Q. How many days after that did you put a red suit on? A. Fifth day, I think, and the sixth day they transferred the men.

Robert Woolley:

Q. Have you had charge of these inmates who have been waiting to be brought into this room this morning? A. Not directly; I am not in charge of the guard-room floor.

Q. Any one of them since they were removed been chalked in? A. I had to have one man locked up, Chapman; when he came on the floor I stationed him about two yards apart so they couldn't converse, because conversation is against the rules; anyway he started in to talk to a man opposite him; I cautioned him, then he pulled up his chair behind the man in front of him and put his feet on him; I told him I would have to lock him up if he moved again or spoke again, and before I got back into the office I saw him laughing and talking to the man on the opposite side of the table, and I had him taken down to the cell on the south block to keep him in readiness.

Q. What does it mean, being chalked in? A. Simply left in the cell.

Q. What for? A. It simply means he can't get out of the cell.

Q. Don't it mean degradation in grade? A. No.

Q. Don't it mean paddling? A. No, sir; a man is chalked in when he is sick; chalk marks are put on the door so it can't be locked without special order.

Q. Who gave the order for the men to move up? A. I don't know of any such order given; I ordered them spread out; I told Jones, one of the clerks, to have those men sit further apart; they were sitting close together, were talking.

Q. What table were they sitting at? A. The first table.

Q. Who gave the ordrs that they be transferred to the other table? A. Originally they sat on the far side, on the north side of the floor and I asked the clerk what those men were doing there; we don't allow any men on the floor without we know what they are there for, and he said they were for the committee; I said, "Bring them over to the other side and spread them out."

Q. After that who gave the order that they move up? A. No one that I know of.

Q. Were you present all ths time? A. I was around the floor.

Q. Who else was in command there or in position to give such an order besides yourself? A. Mr. Bush might.

Q. Anyone else? A. The hall keeper, Lazenby, was up there but had nothing to say.

Q. Did you see Chapman conversing or were you told? A. I saw him conversing with the man who sat in front of him and the man who sat opposite him on the other side of the table.

Q. Did he use any improper language to you? A. No.

Q. Did he obey your orders when you told him to spread out and move back? A. Yes.

Q. What did he do in violation of orders? A. Spoke to the man opposite him, and after being told not to spoke to hin again and laughed, acted as though he thought he could dc just as he pleased.

Q. How long has he been in the present grade? A. I don't know.

Henry F. Bush:

Examined by Mr. Craig:

Q. You have been in charge of the guard-room floor this morning? A. Yes, sir.

Q. When were the men first brought up to be presented in this room? A. About a half hour before you came up.

Q. What table did they sit at? A. Directly opposite this door opening into this other office.

Q. Why were they transferred to the other table? A. Because it was more convenient.

Q. Who gave the order for transfer? A. I don't know as to that; the officer that had charge of them yesterday had the same charge this morning, Mr. Lazenby; he is still in charge out there.

Q. After they were transferred they sat down? A. At the table.

Q. Who gave them the order to move up, make less space between the chairs? A. Mr. Woolley must have done so.

Q. Did you hear him give it? A. No; he told me he had arranged them out there, and I presume in the arrangement he must have given an order of that kind; I don't know positively about it.

Q. Did you see this man Chapman before he was chalked in? A. No; Mr. Woolley informed me he had been sent down; my duties called me off the floor.

Q. What did he tell you he chalked him in for? A. I think the statement said he told him not to talk to the men around him and he turned his back and turned right around again; Woolley turned his back and turned right around again and caught him talking or laughing with the man across the table.

Q. What was the name of the man across the table? A. I don't know who was across the table.

Q. Did you give any order to those men to move up? A. No, sir.

Q. What does it signify to be chalked in? A. Usually that the man does not leave his room without the order of some chief officer; the chalking in of this man was that he should not go out to the shop again before you saw him.

Q. Don't indicate that he is to be punished? A. Not the slightest degree; we have four or five cells that men are temporarily detained in for any reason; this morning is an index of such use.

James Lazenby:

Examined by Mr. Craig:

Q. Were you in charge of the men that were waiting this morning to be presented in the room? A. Yes, sir.

Q. Do you recall a man named Chapman? A. Yes, sir.

Q. What was he chalked in for? A. That I don't know; the men had just come out on the floor and I was on the north side of the guard-room floor, and just as that time I had not been notified to take charge of the men; I walked across the floor to see what was going on on the south side, and as I turned around Mr. Woolley told me to take Chapman and lock him up.

Q. What does it mean being chalked in? A. Means to be chalked in for discipline after committing some offense.

Q. It means punishment afterwards? A. In some cases, if a man is found guilty of any offense.

Q. Do you know what he was chalked in for? A. No.

Q. Who was it gave the order for the men to be transferred from one table to the other? A. I couldn't say; I think it was Mr. Woolley.

Q. Who gave the order for the men to move up? A. That I didn't hear at all; Mr. Woolley would have the authority on the floor to make an order of that kind.

Q. Wouldn't you have authority where the chairs became too scattered to direct them to move up a little? A. I would after I had been notified to take charge of the men.

Q. Didn't you give such an order as that? A. Afterwards; perhaps an hour afterwards I had one of my hallmen bring two or three chairs from one of the other tables over when more men came in.

Q. Didn't you tell one of the officers to have the men move up? A. No, sir.

Q. Didn't one of the officers tell you? A. I have no recollection of it at all; I would have remembered it if he had.

Charles R. Jones, 5850:

Q. Were you on the guard-room floor when the men were brought up to be presented to us this morning? A. Yes.

Q. Did you see them when they were seated at the first table? A. Yes, sir.

Q. Who gave the order they be transferred to the other table? A. Mr. Woolley saw the men sitting at the table on the north side of the guard-room floor and called my attention to it, and asked me who the men were; I spoke to his clerk and asked him if he had the men in on the floor, and he said they had, and I, therefore, came to the conclusion they were men you wished to see; Mr. Woolley says, "Put them over to the other table so we can have our eye on them, and keep them from talking.

Q. Who gave the order for them to move up after they were seated at the other table? A. I separated the chairs myself when I first moved them over there.

Q. Some one gave an order to some officer that they move up; who was that? A. I did not hear that order given.

Q. Did you see the occurrence with regard to Chapman? A. Yes, sir; Chapman at the time I transferred them from one table to the other, I separated their chairs, and the moment Chapman seated himself he pulled himself up close to the man in front of him and Woolley told him to move his chair back where I had placed it; he done so, and immediately turned around and commenced to talk with the man on the opposite side of the table; I was standing right behind him and Mr. Woolley was right there and saw it himself; Mr. Woolley said to me, "Put him down in the guard-house until you were ready to see him."

Q. What does it mean being chalked in? A. In his case it meant to keep him where he wouldn't be talking with the other men on the floor.

Q. We understood he was taken from the guard-house? A. He was brought from the guard-house.

Thomas Lumsden, 5072:

Examined by Mr. Craig:

Q. You wanted to make some statement to us? A. Yes, sir; in regard to the bath-room, the treatment I received there, on the twenty-fifth day of October last, near a year ago; I was chalked in for having a newspaper in my room.

Q. Was it against the rules? A. It was against the rules.

Q. Did you know it? A. Yes, sir.

Q. What grade were you in then? A. In the second grade.

Q. The red grade? A. Yes, sir; the offense only called for a second-class report; I received a first-class report; the inmate officer chalked me in; I went down in the bath-room and I didn't have any chance to have any explanation or anything; before I knew it I was struck, and after being struck probably half a dozen times on the hips I was struck across the kidneys here.

Q. That is where your liver is? A. Or liver, and I dropped on the floor and I received a kick in the head from Mr. Sample, was kicked in the head and ribs, and then I was hung up and when I was hung up I was struck across the face and my eyes was entirely closed, and my lip puffed up, and I was so badly disfigured they almost carried me to the rest cure cell, and I laid there for six days until I was fit to go out; I felt the injuries I received for a couple of months after; there is a small scar still where my eye was opened.

Q. You said when you got in the bath-room, before you knew it you were struck; where were you struck, the first blow? A. I think I was struck across the neck with the strap.

Q. You had been placed in position? A. I was walking over and I was struck while I was walking.

Q. By whom? A. Mr. Brockway.

Q. Before your trousers were taken down? A. Yes, sir.

Q. Then what occurred? A. Then I received a number of blows on the hips, on my buttock; Colonel Halpin turned around so my stomach faced Mr. Brockway, and I was struck there; I can say positively four times on the stomach.

Q. Did you make any resistance? A. No, sir; I tried to do my best to stand up and take what punishment that was to be; I knew there was no reason for me to make resistance.

Q. How was it you came on the floor? A. I dropped on the floor, I couldn't stand the pain; then I was shackled and pulled up.

Q. How high were you pulled up? A. I was off of my feet, not entirely; my tips touched the ground.

Q. How long were you there? A. I should judge a minute and a half.

Q. Was your face toward the window? A. Yes, sir.

Q. How many blows did you receive in that position? A. In the face I think I received five or six blows.

Q. Your face was toward the wall? A. There was space enough for the weapon to strike me when he unshackled me, and I stood up, and I received a couple of blows; I turned around completely, and I received a couple of blows over the head again; then I was rushed out and a coat was drawn over my head, and Mr. Sample partly carried me down to the rest-cure cells, my face was so badly disfigured.

Q. Who kicked you? A. Mr. Sample.

Q. Where were you when you were kicked? A. On the floor; I dropped after receiving the strikes in my stomach; I could stand it on the butt.

Q. Who were present in the room? A. Mr. Sample, Colonel Halpin and the superintendent; there were two or three peep-holes there.

Q. Have you ever been paddled any other time? A. Yes, sir; once before, for talking; that was on the 1st of September the same year, 1892; that time I also received a black eye; my eye was entirely closed.

Q. Why did they strike you on the eye? A. My head wasn't in position, I presume; after I was struck six times on the buttock, I don't know how my head was; after a man is struck with that strap he doesn't know where he is standing; I haven't any knowledge of turning my head willfully.

Q. How many times were you struck over the head that time? A. At least five times.

Q. Leave any mark on your face? A. Entirely black eye; the first time I was in the bath-room was September 1, 1892.

Q. Did it leave a black eye then? A. Entirely black; the second time it was closed entirely, and my lips were puffed and my neck was all torn here, and my face was so badly disfigured that they kept me down here six days.

Q. Any other time? A. That is all.

Q. What kind of a thing was it you were paddled with? A. The first time I was down there he soaked it in water; it was that wide, five inches, and a quarter of an inch thick, and that long, I got that deliberately across the face; I could have stood it on the butt, but when I got it across there the second time, and for dropping on the floor, both Mr. Sample and Mr. Halpin at once sat upon me.

Q. Where in the head did they kick you? A. Right on the back of the head and ribs, also kicked and punched both; I know I wasn't put down in the reception cells for punishment; I was down there, and I didn't get anything to eat one day; only one meal in the morning.

Q. Were you paddled with the same kind of a paddle the second time? A. Same kind of a paddle.

Q. Do you know anything about the paddle, any other kind of paddle? A. Yes, sir; rubber hose; that is all.

Q. Has it been used lately? A. It has not been used to my knowledge since, I think, last year.

Q. Did you ever see a paddle with a piece of leather sewed on at the end? A. The operation is so quick I might have seen it, and being excited at the time, I couldn't state.

Q. What are you in here for? A. Larceny, second degree.

Q. Is it true? A. Yes, sir.

Q. Did you plead guilty? A. Yes, sir; I will be two years in January.

Q. How many times have you been in the red suit? A. This is my second occasion.

Q. How long have you been in this suit? A. I will finish my sixth month this month.

Q. You were in the red suit a year ago, when you were paddled? A. Yes, sir; my first reduction was just; the second time I had two straight month records, and I lost one mark, and I received a first-class report, and the inmate officer that gave it to me, after I was reduced he said, "I am sorry for that report; I only did that on the impulse of the moment;" and I wrote to the superintendent about it; I didn't get any reply, that I should be reinstated in my grade.

Q. What is the name of that officer? A. Captain Brown; he has now gone home; when a man gets down it is immaterial to him; he don't care; if a man knows his time has come he makes every effort to make a record; I made a perfect record January, February and March; the next month I lost one mark; the superintendent said he would give me a court-martial, and of course these two officers, Lieutenant Bowen, an inmate officer, and Captain Brown, had it all arranged.

Q. Your judges were inmate officers? A. They were the accusers; the judges were Sample and Van Etten and Colonel Bryan; we hadn't been working for a month, standing up in the shop, and Lieutenant Bowen, I knew him in Washington, and he was on the stand at that timte, nothing to do up in the shop all day, standing there, I had my history outlines up there; I had the Summary, and I had my arms folded like that, and I was

reading there; this Lieutenant Bowen knew me, and didn't say anything; a few days after he was taken from the stand and Captain Brown was put on the stand; he happened to be coming by my bench, and he saw me looking down; it happened to be examination night that night, and I thought I would look over my lesson for night; he says, "You have your outline there;" I says, "Yes;" he says, "I will give you a second-class report;" I says, "Bowen has seen me reading in the shop and hasn't reported me; you know we are not doing anything here, and I am keeping perfectly quiet;" he goes up and asked Lieutenant Bowen, and Bowen turned around and says, "I didn't see him;" then he makes out a chocolate report; I got that chocolate report three days, and after court-martial it comes back, "Fabrication;" that is what I was reduced for the second time.

Q. Did you offer to prove these things? A. I offered to prove it before the court-martial.

Q. Who was it said to you he had said something under the impulse of the moment? A. Captain Brown; he says, "I am sorry I gave you that report; I done it on the impulse of the moment;" that was in May or April of this year; I wrote to the superintendent about it, stating what he had said to me, etc.; I didn't hear anything about it.

Q. Is Bowen here? A. He has gone home, and Brown has gone home.

Q. When you were spanked September 1, 1892, can you remember the blows you received all together on your body and on your head? A. I can swear to at least fifteen.

Q. October 25, 1892, how many did you receive then? A. They were innumerable; I was when I came out; I attended the College of the City of New York; my father was Scotch; my father was sexton of Dr. Crosby's church; I haven't had a letter in eight months.

Walter Wiley, 3342:

Examined by Mr. Craig:

Q. State to us what you wanted? A. I think I have had a pretty tough deal since I have been here; I have been here four years and eight months now.

Q. What are you in here for? A. Burglary.

Q. You did commit the burglary? A. Yes, sir; it was a dwelling-house; it was the first time I ever was arrested; I have been here four years and eight months.

Q. What were you reduced to the red suit for? A. I have been in the blue suit twice; the first time I was reduced I was

second sergeant, and I was reduced for taking a piece of cake; the second time they said I went down for licentiousness, but I am not guilty.

Q. Who accused you? A. I couldn't tell you.

Q. When was that? A. Last January.

Q. You were put in January in the red suit? A. Yes; I got out the fourth of July.

Q. And got tobacco again? A. Yes, sir.

Q. Who accused you of licentiousness? A. They wouldn't tell me; I told Mr. Hoppe I wasn't guilty.

Q. Where were you? A. Down in the reception room; he says, "We know you are guilty; if you don't say you are guilty we will take you down in the bath-room and skin you alive."

Q. Who told you that? A. Hoppe; he says, "Put him in the solitary."

Q. Who said so? A. Mr. Hoppe; they put me in the solitary and brought me out after supper and says, "Wiley, are you going to admit it now?" I says, "No, sir; I am not guilty;" he says, "We will make you admit it; we will have the superintendent take you in under, and he will make you do it;" he put me in the solitary and kept me until the next morning, and then says, "Wiley, we have evidence against you; you done it;" I says, "Who is it?" he says, "It don't make any difference; I want you to tell me; if you don't tell me it will be the worse for you; we will transfer you and make it hard for you;" I told him I wasn't guilty, and they said I was accused of a man taking his penis and putting it in my mouth.

Q. Who accused you? A. They wouldn't tell me; they put me in a red suit and I wanted to get out the grade in July.

Q. Did they take you in the bath-room at the time they put you in the red suit? A. No, sir; one report for talking or something like that, and he would take me in the bath-room.

Q. When were you put in the bath-room first? A. A week after.

Q. In January? A. Yes, sir.

Q. What were you down there for? A. Report.

Q. How many blows did you receive? A. The first time I got six.

Q. On the buttock? A. Yes, sir.

Q. On the head? A. He hit me once on the head with the paddle.

Q. What for? A. Because I looked around at him.

Q. Did it hurt you? A. Yes, sir.

Q. Leave any mark? A. No, sir.

Q. Whereabouts on the head? A. Right there; he took me down one Sunday and gave me twelve raps there.

Q. Who did? A. The superintendent; I wouldn't stand up; he gave me six; I couldn't stand any more, and he went and got the handcuffs and put the handcuffs on me, and put them up over the door, and had an officer hold the rope while he spanked me.

Q. What were you spanked for then? A. Talking with the man next door to me.

Q. What were you talking about? A. I asked him if he was going to get transferred; Mr. Hoppe came along and says, "Wiley, what are you talking about?" I said, "I was asking the man if he was going to get transferred."

Q. When did you get spanked next? A. Last report I got a labor report; they had me chalked for the wrong man, and I lost four minutes in my task, and I couldn't get my task out; the superintendent says, "I won't do anything about that;" and the next day he had me down for that and gave me four then on my back, on the kidneys.

Q. You heard? A. No.

Q. Point where it was? (Indicates the buttocks.) A. Last summer when I went out the red suit I wrote home and told my folks about it, and asked if they could see about it, and they wouldn't let the letter go out; Mr. Hoppe says, "It is all a lie; you can do your task; you were not accused of anything like that;" I says, "Mr. Hoppe, I went down in the bath-room for labor report;" he says, "No, you didn't."

Q. Have you heard of others being punished? A. When I was working in the hall I saw them taking a man down there, and they brought him out and carried him in a room in 622; I don't know the man; he told me afterwards the superintendent knocked him on the floor and kicked him on the eye; he got transferred.

Q. What time was it Sunday that you were taken to the bath-room? A. Between twelve and one; they were just eating dinner.

Q. Are you positive it was Sunday? A. Yes, sir; Fonda was down there; I couldn't say what his number is.

Q. What other man was down there that Sunday? A. Sullivan was down; he was transferred.

Q. Anyone else you remember being down there on Sunday? A. There were about six all together.

Q. Who was there besides Mr. Brockway? A. Mr. Sample and Col. Byram was standing in the door.

Frank Smith, 3746:

Examined by Mr. Craig:

Q. State to us what you want to state? A. I wrote a letter to you all right; I had a hard time here; the most of the men that come up here in 1889; I was taken to the bath-room; I counted thirteen raps.

Q. Where were you rapped; were you rapped on the head? A. No, sir; the second time I went down, and I have proof of didn't do what I was reported to; I was going home the same month, and I had charge of the shop; another fellow in the red suit and I had to report him, and he was trying to get square on me, and he made a charge against me; it was Sunday morning, the first of August, last year; the colonel was there and was all dressed, and he said if he couldn't get anything out of me he would put me where he could get something out of me; they took me to the bath-room.

Q. What were you accused of? A. Sodomy.

Q. Who accused you of it? A. The red suit fellow, 4496, Salsiger.

Q. How many do they say you had sodomy with? A Two fellows was against me.

Q. And said you had sodomy with them? A. Yes, sir.

Q. What is the name of the other man? A. Forty-eight hundred and thirty-seven.

Q. Are they here now? A. Yes, sir.

Q. How many blows were given you? A. I didn't have much punishment; five or six; I lost my grade and lost parole.

Q. Were you struck on the head? A. No, sir.

Q. When did you practice sodomy? A. I never done anything of the kind; the same fellow that put me down passed remarks a couple of weeks ago he only done it for revenge.

Q. Whom did he tell so? A. Sklenner; I don't know his number; Miles, 4262.

Q. Who else did he tell? A. Those two men he told; one man told me he told all the men in the shop; in the bakery.

Q. Any other case you want to give? A. No, sir; that is all.

Charles Beck, 4241:

Examined by Mr. Craig:

Q. State what you wish us to know? A. I have written all.

Q. You are ready to make oath as to what is in the letter? A Yes, sir.

Recess.

AFTERNOON SESSION.

Jack Savllson, 5529:

Examined by Mr. Craig:

Q. You wanted to tell us something? A. Yes; I want to make complaint about my being in the red suit, because of the colonel; I have been mistreated lots of times, by sending back a report I was sure I didn't deserve; the colonel don't listen to me, he listens to the officers; he comes over, "Do you deny this report;" "Yes, sir; colonel;" then he tells the officer to make his complete statement about it, and that is all, and the next day I got it; I don't see why he don't believe me as much as the officer, when the officer goes to work and does all the crooked deals he can.

Q. You have had unpleasant experiences here, and you think you have received injustice from the inmate officers, you think the inmate officers don't always do what they should do? A. The colonel ought to believe me sometimes.

Q. Have you been punished here? A. No, sir.

Q. How long have you been in the red suit? A. This is the fourth month; I am here thirteen months; I can't get along any place; I have been working in the morning in the band.

Q. What is the reason you can't get along? A. The colonel don't give me a chance.

Q. It is the inmate officers? A. Yes, sir; the colonel's chocolate reports put me in the red suit; outside of the band I can get along.

Q. Have you seen any man punished? A. No, sir.

Q. Have you seen any officer strike anybody? A. Yes, sir.

Q. When? A. Out in the yard, while we were standing playing; if the men getting in to their rooms, I saw an officer running out with an inmate, and was kicking him all around the ground there; Mr. Sample grabbed hold of the inmate and pulled him in No. 1 shop and they closed up the doors.

Q. Anything else you want to state? A. I wish to make a complaint against the colonel.

August Liberty, 4529:

Examined by Mr. Craig:

Q. What do you want to say to us? A. I came here the 13th of March, 1891; I never received any treatment in the bath-room, but I have had no opportunity to get along.

Q. You are in the blue suit now? A. That is well enough; I always abide by the rules; never been in the red suit, but reports. one-quarter of what I got I never deserved.

Q. What are you here for? A. Receiving stolen goods.

Q. Did you receive them, knowing them to be stolen? A. Not exactly; I pleaded guilty.

Q. Where did you live? A. Fifth and Avenue C; I was told when I came here, "Are you married;" I said, "Yes;" he says, "So much the better, we will keep you so much the longer; what is your father's occupation; maybe your father is a thief the same as yourself;" that is nice encouragement to give a man when he comes here; a man comes here for his first offense; they don't even give him his short time; people here in the blue suit can't get their short time; I am in the blue suit for the second time; if I don't get around and report men I may be reported; I have always done what is right; I have my conduct book in my pocket to show that; I am in the blue suit, to-morrow I might be in the red suit, to-morrow; if a man in the shop is inclined to put a piece of tobacco on my table, Liberty is taken down; "Where did you get this tobacco;" "I don't know;" that is how a man can't get out of here.

Q. Did he ask you any questions about your father and mother? A. Yes; I told him my mother was in the lunatic asylum; he says, "What is your father's occupation;" he says, "No doubt your father is a thief the same as yourself."

Q. Have you any sisters? A. No, sir; no brothers.

Q. What trade are you studying here? A. Brass finishing; I never followed any work since I have been here.

Q. What is your father's trade? A. He done the Bowery, because a man is on the Bowery Superintendent Brockway thinks he must be a thief; he has an auctioneer store there, betweer Delancey and Broome streets; it is below the People's theatre;

Q. I suppose he wanted to see whether you had any regard for your relatives? A. That may be; when I get reports and send out for investigation I get no chance; we are all considered criminals, and the officer's word is taken in preference to mine.

Benjamin Haas, 4150:

Examined by Mr. Craig:

Q. Tell us what you want to tell us? A. First, I am in this institution for three years and three months.

Q. What did you come here for? A. Grand larceny.

Q. Was it true? A. Yes, sir; I gained the first grade; I have been unjustly reduced on account of prejudice from an inmate; I couldn't get investigated; the officer stood on the stand three yards away from where I stood and two other inmates; one inmate claimed I called him a profane language; he told the

officer on the stand; he says there there is another inmate heard me; the officer called up the other inmate; the other inmate says, "I didn't hear him; I see him talking;" that was all; I have received a first-class report and I did not get that report as usual.

Q. The sum and substance is you feel the inmate monitor system works unjustly toward you? A. Yes; that inmate got another inmate to say that I said so the day after.

Q. Have you ever been punished? A. Yes; the way it wouldn't be done to-day; I have been put in a certain industry; I couldn't do my task the first month; it is impossible.

Q. How were you punished? A. I was put down in the bath-room, I was told to put my pants down; I did and I have been struck with a strap until my back was bleeding.

Q. Were you hit anywhere except on your buttock? A. That is all.

Q. You weren't hit on your head? A. No.

Q. Were you strapped more than once? A. Three times in one month; the superintendent spoke to me and I turned around; I didn't know it was against the rule or anything like that, and I was hit on my head with a strap: that wasn't so much, only once.

Q. Did it mark? A. No; I had a little swelling; I wish to say too an inmate who with me in the Tombs; he was up here with me and roomed with me; that inmate was sick; his name is Moore, 4149; he has been punished many times, even when he was in the room with me, and he has been sick lately for the last six months, and he stayed in his room many times, and he always has been sent out by the doctor to the shops; I had a conversation with him and he says he was sick and the doctor sent him out every time he laid in and once the doctor chalked him in.

Q. How long after that? A. I believe a month ago.

Q. When was it he told you about being sent out by the doctor? A. He told me some weeks before he died.

Q. How many weeks? A. I couldn't exactly say just now, probably two or three weeks before that; I have been treated by the doctor unjustly; I received a splinter; I never received a report for laying in my report, and I never had any trouble in this institution; I never was in a crooked deal, and always keep my hands away, and just as intelligent as any man in this institution, but I have been treated unjustly by inmates; I received a splinter on my foot on a Sunday; I remained in my room the next day, the doctor didn't take the splinter out the next day, and I laid in again the next day, and then he took it out two days afterwards; I laid in two days more and the doctor sent me out; I told him it

was impossible; "I can't walk on it;" "Oh, that is nonsense; you can walk on it, you are a big baby;" I couldn't say nothing; the doctor sent me out; I had to go out; that came to swell up and I saw the doctor several months afterwards and he didn't do nothing; he says: "You will walk that way;" it became more swelled up and I couldn't walk any more; I saw the doctor and the doctor says: "I will have it cut for you;" he took me up to the hospital on Sunday and had it cut; I went to my room; it was impossible to walk; I had to jump on one leg to get to my room; since that I have seen him many times, and I couldn't walk one day and I laid in my room; the fact was, he chalked me in too for not going to the trade school; I laid in that evening.

Q. Have you any marks on your back? A. It is a long time ago.

Q. What is the largest number of blows you received? A. Eight or ten.

William S. Gregory, 3803:

Examined by Mr. Craig:

Q. What do you want to tell us? A. I haven't received any ill-treatment, as far as physical has gone; never had a flogging, but I think I ought to have been home before this; I haven't had a square deal.

Q. What is the matter; is it the fault of any of the officers? A. Yes, sir; more or less.

Q. What officers? A. There is Mr. Hoppe for one and Woolley; when I came here about three years and nine months ago I never had been sent here before; the chief trouble with me was I was a hard drinker; I was sent here for selling a pool ticket in New York city; I worked in the cabinet shop for a time; there was a man on the stand named Baldwin; I knew what he was outside; he came down to me and tried to make friends with me, and I, like a fool, wouldn't have anything to say to him; he was a outside and I didn't want that kind of people to talk to me; he got sore on me and gave me something like thirty or forty reports; I didn't get reports from anybody else; I went to headquarters and said the man was sore on me, but I got no sympathy, got put in the red suit for insolence; they put me in the business office for a while and Woolley and one of his clerks in there wanted a young Jew that was working in the machine shop, and they tried to get him out, and the superintendent wouldn't take him out.

Q. Have you ever been punished? A. No, sir.

Q. You have been reduced in grade unjustly? A. Yes, sir.

Q. What do you think of the inmate officer system? A. I don't think much of it; I have seen too much of it; if I am an inmate

officer I can put a man in the red suit; my father does not know that I am here; I didn't steal the buff dog in the first place; I had over $300 in my pocket when I took the dog and the dog was only supposed to be worth fifty dollars; it was a put up job.

Q. How do you get along in the reformatory? A. I don't get along a little bit; they have claimed I have had tobacco and been in several crooked deals; they couldn't prove anything; all the satisfaction I got the moral evidence was too strong for me.

Joseph Smith, 5399:

Examined by Mr. Craig:

Q. State what you wanted? A. I have a very hard job; I can't read English; they teach English one night in a week.

Q. Have you ever been punished here? A. No.

Q. How long have you been here? A. Fifteen months and a half.

Q. How long have you been in this country? A. About two years.

Henry N. Goff, 3307:

Q. State what you want to say? A. You have got my letter here; I don't think it prudent to say anything more than what is in the letter.

Q. Why not prudent? A. I asked in my letter for a private interview; I have come to the conclusion I am satisfied with what I got and I gave you my letter; I would like to refer to it if it is handy; I wrote the letter under the impulse of the moment; I have thought the matter over and have come to the conclusion I would refuse.

Q. Have you ever been spanked? A. No, sir.

Q. Ever been in the red suit? A. Twice.

Q. Ever see others spanked? A. No; but I have seen them after they got down.

Q. What condition were they in? A. Some were pretty badly used up.

Q. Where? A. In the face and on their person.

Q. What time was this? A. Right after dinner; I have been here five years; it has been my experience.

John Bulger, 3562:

Q. What do you want to say to us? A. I don't believe it is right to be kept here; I haven't done a crooked deed since I have been in the reformatory.

Q. How long have you been here? A. Four years.

Q. What were you sent her for? A. Larceny, second degree.

Q. It was true? A. No, sir; it wasn't true; I was a boy and didn't know any better.

Q. You didn't take the things? A. No.

Q. Have you been in the red suit? A. Yes, sir; three or four times; one thing is keeping me here for a few reports talking to my neighbors.

Q. You know it is against the rules? A. Yes, sir; I have only got a couple of months; I have never been punished only twice and it didn't amount to nothing.

John Murray, 4852:

Examined by Mr. Craig:

Q. Tell us what you want to say? A. I am cruelly treated in this institution; I came here about twenty-five months ago, for larceny in the second degree, attempts to take a man's watch; it wasn't very long before I found myself in trouble; I quarreled with my room-mate, and found myself in the red suit; I was paddled; I deserved that; I was a new man and fresh; after that I made a good, perfect record; I lost one mark in six months, and that was during reports; I was placed in the upper first grade and stripes put on me; I was a week with stripes on, when I was reported for not doing my duty, that is, not reporting a man; there was nothing against me; I never failed in school.

Q. How many times were you struck the first time? A. Five times.

Q. Where? A. Across here.

Q. Anything else? A. Yes; on my head and face; four times on my head and face.

Q. What for? A. For turning around to beg mercy; the next time I was paddled for attempting to strike a man; I attempted to strike him.

Q. How many times did they strike you? A. Only three times on the back.

Q. The next time? A. I was paddled on the third of July last for one report, talking to a man next door to me.

Q. Were you in the red suit then? A. Yes, sir; I was paddled until the blood ran down my leg.

Q. Actually ran down? A. Yes, sir.

Q. Who paddled you? A. Mr. Brockway.

Q. Where did he strike you? A. Right here; I was bleeding from here (buttocks).

Q. You don't mean it ran down in streams? A. No; the blood came from my flesh.

Q. How many blows did he strike? A. I can't remember; I turned around and begged for mercy, and he struck me over the

head and face five times, I think; I put up my hands and begged Mr. Brockway for God sake to let up on me; I don't believe he would have let up on me then if Mr. Sample, knowing the kind of worker I was, spoke for me; I was helped out of that bath-room in a dazed condition; they dragged me out.

Q. What time were you paddled last? A. That was the last time.

Q. What were you paddled for the last time? A. One report for talking; that was the third of last July; on the third of July I received that beating, and on the fifth I was taken out of the red suit, so I can see there is something wrong there; I ask you, if you won't do something for me; I have got a good record.

Q. Do you know anything about other men being paddled? A. Yes.

Q. Tell us? A. Excuse me; there was a young fellow came here in June, 1892, 5355, named Murray; this young man worked in the printing office; Last January there was a good deal here for licentiousness, about 300 men; the three majors in the regiment were transferred to State prison, two of them are in State prison now; 3004, Crumby, was a twenty-year sentence; this young man was mixed up in this deal, and because he wouldn't tell he was beaten in the bath-room until he fell down, wasn't able to stand up any more, and he was kicked all around that bath-room; he was carried up out of that bath-room with a cover over him, and he received that kind of treatment seven times, and he went up in the hospital and stayed in the hospital seven weeks and died.

Q. Do you know what caused his death? A. Yes, sir; the beatings in the bath-room; it was stated in the Summary, pneumonia; a healthy boy here, I saw the boy coming out; it was killing him; I know what that beating is; I know how I felt the next morning.

Q. How did you feel? A. I felt pain all over me and I was afraid.

Q. What did you do that day? A. I went to work in the tailor shop; I am a good man here; I can turn out 120 shirts a week; a man that turns out eight a day is a good man.

Q. Anything else you want? A. No, sir.

Q. Are you a relative of the other Murray? A. No.

Q. You were taken to the bath-room and paddled? A. Three times.

Q. What suit were you in? A. I was taken down in a red suit.

Q. You wore on all occasions the red suit? A. When I went to the bath-room I had a blue suit the second time.

Q. When you went into the bath-room the second time to be punished you wore a blue suit in there? A. Yes, sir.

Q. And you wore it out? A. Yes; but I was put right into a red.

Archibald Allinger, 4050:

Q. Tell us what you wanted? A. I have been kept here unjustly three years.

Q. What did you come here for? A. Burglary.

Q. Was it true? A. Yes, sir.

Q. Dwelling-house? A. No, sir; a store at night; I have been getting reports I didn't deserve from inmate officers.

Q. How many times have you been in the red suit? A. Twice.

Q. How long have you been in the blue suit? A. Three times.

Q. Ever been paddled? A. Yes, sir.

Q. How many times? A. I don't know how many times I have been paddled; I have been struck as high as ten or eleven times.

Q. Struck over the head? A. Yes, sir; one time I was down there he gave me a black eye that lasted about a week.

Q. What other time have you been paddled and struck over the head? A. I was down there another time I got chalked in for one fellow telling me to do one thing and another fellow telling me to do another, and I got chalked in for not doing the last man's order.

Q. Inmate officer? A. Yes, sir.

Q. The last one an inmate officer? A. Yes, sir.

Q. How many times were you struck, once? A. I don't remember.

Q. Struck over the head? A. Yes, sir.

Q. How many times were you struck over the head? A. Once.

Q. Leave any mark? A. I have got a mark there; I have a scar there; it was all red.

Q. What was the next time you were paddled? A. I don't know what it was for.

Q. When was it? A. A year ago; I guess.

Q. Were you struck over the head then? A. I never was struck only twice over the head.

Q. Have you ever been injured in any other way here? A. Yes, sir; when I came here I was able to do a good day's work but I can't do it now, because I have a weak back, ever since I went in the bath-room.

Q. Tell us where you were struck? A. Right across here (buttocks).

Q. What were you paddled with? A. Something round the first time; other times it was a strap.

Q. You would as soon be paddled with one as the other? A. I wouldn't want to be paddled at all; I prefer the paddle to the hose.

Q. Your chief complaint is against the inmate officer system? A. Yes, sir; a man gets a report here and he sends back; he don't get a fair show for it; he will take an inmate officer's word before he will a private's.

Q. What officers have ever endeavored to get you to commit sodomy with them? A. One fellow; he has gone home.

Q. Who else? A. A number of other fellows spoke to me.

Q. Are they here? A. No; I don't think they are; some spoke fooling.

Q. Give me the name? A. Wilson, 4054, is gone; he went out on parole a while ago.

Q. Do you say there were others? A. Yes, sir.

Q. They endeavored to get you to participate in that crime? A. Yes, sir.

Q. Did you ever yield to them? A. No, sir; I threatened to report them to the colonel.

Q. Did you report them? A. No.

Henry Wagner, 4281:

Q. Tell us what you have to say? A. I have been returned here for violation of parole the 21st of September, 1892; I would like to know on what grounds I was returned.

Q. How long had you been here before that? A. Eighteen months.

Q. What were you sent here for? A. Grand larceny, from New York city; it was true.

Q. Where were you on parole? A. New York city.

Q. What did you do there? A. I worked for a coal and wood dealer.

Q. How often did you go to saloon? A. I never went to a saloon except for a pint of beer.

Q. Did you go to houses of ill-fame? A. No, sir.

Q. Did you ask Mr. Brockway what you were brought back for? A. No; he said to me: "I thought you were never coming back;" I said: "I wouldn't have come back only you sent for me; I was working and behaving like a man;" I believe it is on the case of my sister, she has gone on the other side of me ever since my trouble; she made false charge against me that I tried to take clothes from home; my father sent up to the superintendent and told him all about it, and he didn't believe, and said I would have to be punished.

Charles Marr, 3533:

Examined by Mr. Craig:

Q. You asked for a personal interview? A. Yes, sir; I would like to ask you if the rules of this place calls for a man to be kept here his full time.

Q. They have discretion to keep you here or not? A. I have been here four years and five months.

Q. What is the longest time for you? A. Five years; this is my third time in the blue; I was reduced twice; I have no complaints to make only my reductions were made; I was made lieutenant and was reduced for failing to report some men.

Harry Newton, 4689:

Examined by Mr. Craig:

Q. Tell us what you want? A. I have been paddled here for nothing.

Q. When were you paddled last? A. Twenty-seventh of last June.

Q. For what? A. Marking a library book.

Q. Did you mark it? A. No, sir.

Q. Who said you did? A. Some people out here.

Q. Did you deny it? A. Yes, sir.

Q. How many times were you struck? A. Twelve.

Q. Whereabouts on your person? A. Right across there.

Q. Struck on the head? A. Not that time.

Q. When were you paddled before that? A. Fifth day of July before, for having a cigar butt.

Q. Did you have it? A. Yes; I found it in the officers' quarters that I cleaned out.

Q. How many times did he strike you then? A. Seven.

Q. Same place? A. Twice over the head; the first time I was down there I looked around.

Q. Did it hurt you? A. It made a big ridge up there, and big ridge up here.

Q. Big ridge on top and ridge on back? A. Yes.

Q. What is the matter with your eye? A. Fellow hit me with a board.

Q. Paddled any other time? A. No, sir.

Q. Received any other treatment here? A. No.

Q. Any other complaint to make? A. About reports; I have seventy-five cents of reports I don't deserve.

Q. Who reports you? A. A monitor on the stand and convict officers.

Q. Do convict officers do as well as citizens officers? A. No; they report you in order to gain a promotion.

Q. What did he report you for? A. I don't know; he gave me a report for looking out a window; the glass is stained.

Q. Was it true? A. No, sir.

Walter Labreck, 5202:

Q. You wanted an interview? A. I didn't write for any.

James Johnson, 4138, colored man:

Q. You asked for an interview? A. Yes, sir; I don't think it is necessary for me to talk how I was treated in the bath-room; I was taken in the bath-room by the superintendent the 24th of January, 1892, and there given a severe beating and picking up down there; I have the marks on my body now.

Q. Where were you beaten? A. I had my eyes picked open.

Q. Who picked you? A. Mr. Sample; I had some trouble in the foundry; I had a knife and the officer didn't ask me for it in a pleasant way, and I didn't give it to him.

Q. That is rebellion? A. This was a prisoner officer.

Q. All the same isn't it? A. I don't think so; the colonel came out and investigated it, and we had some words out there and the colonel took hold of me to throw down and I resisted; I says to him, "I will fix you for that," to the prisoner; the colonel turned around and took hold of me to pull me down.

Q. Did you have the knife in your hand then? A. No, sir.

Q. Did the colonel throw you down? A. No, sir; he tried to and we got tussling there; the superintendent claims no officer is supposed to put his hands on you; he took hold of me first and pulled me down, and an officer hit me four or five times on the leg with an iron bar; the iron bar was laying near the gangway there; after that they let me up, and he asked me would I go and I told him yes; and they put me in the solitary and chained me down two or three days when they let me up.

Q. How were you chained? A. Right around my wrist.

Q. Could you stand up? A. No, sir.

Q. It was on the bar on the floor? A. Yes, sir.

Q. Didn't they let you up at all during the three days? A. No, sir.

Q. What did you have to eat there? A. All they gave me was bread and water every twenty-four hours; then they brought me up and Mr. Sample and another man came down and took me in the bath-room; when I got to the bath-room door I asked the superintendent to let me explain how the thing was; he said no;

told me to go over there and I hesitated to go over and they jumped on me and kicked me; I stopped and they commenced striking me; the officers did.

Q. What officers? A. Halpin and Sample; Mr. Halpin kicked me the lower parts and Mr. Sample kicked me in the face and head; after the suprintendent saw the blood rushing from my head he hollered out, "That is enough," after they let me up the superintendent told me to go outside and wash my face, and I washed my face, and he came out and he said he would kill me if I didn't brace up and make a better record.

Q Who said so? A. The superintendent; five months after I got the black suit; seven months I was in the black suit, and got the blue suit; I had some words with a blue-suit captain.

Q. That seems to be your trouble? A. Yes, sir; I didn't respond because I was in the blue suit, and I kept my mouth shut, and h got angry at me, and every chance he got he reported me, and I went up and explained to the superintendent, and he said he would look into it; I lost four or five marks; on account of this man I lost three, and two I lost in the foundry; I explained it to the superintendent, and he says, "I will give you another month in the blue suit, if you think you can make a nine;" I told him I thought I could; I was in the blue suit four months; the other two months I made a perfect record; when grade reductions came he reduced me to the black suit, and in August the men complained they couldn't work on what they got to eat; they all started a petition to have two dozen men to sign, to strike so as not to work.

Q. An agreement they would strike? A. Yes, sir; they passed it around the foundry, and they came and asked me, and I told them no; the men, after they got found out, got chalked in, and the superintendent investigated; I was down in the solitary; the colonel claimed my name was on the paper; I asked him to let me see the paper, and he wouldn't; he left me down in the solitary two days, and then brought me on the rest cure gallery and kept me there a month; the colonel says, "Your name is on;" I says, "I didn't put my name on;" he says, "The man in the foundry says you did;" he wouldn't listen to me; all the other men were up on the gallery at the time; then they sent the other men away and they kept me here and put me in the red suit.

Q. Did they punish you besides? A. They put me on the rest cure gallery there; the red-suit men that were guilty they sent away.

Q. Can you write? A. Yes, sir; the hospital steward had to sew my eye up.

Q. Were you taken to the hospital? A. No, sir.

Q. They didn't paddle you when they kicked you? A. Yes, sir; they got me down and commenced to kick me, and Sample put a pair of handcuffs around my arm and had a rope up by the window and they drawed me up to the window, and the superintendent hit me eight or ten times.

Joseph D. Johnson, 5101:

Q. What is it you want to say to us? A. I have been treated here very bad; I have been here very near two years, and the food I have been getting is very bad; I have found maggots in the meat that I got from the dining-room.

Q. What was the meat, hash? A. No; what we get in a stew; found the maggots on top of the meat.

Q. When was that? A. It has been here right along; the last two months; I had to stand in the bath-room while the superintendent beat me across the face with a strap; he cut me across the face three times.

Q. Cut the skin? A. Almost cut the skin.

Q. When was it? A. The last time I was down was the 30th of April, 1892.

Q. How many times were you down before? A. Twice.

Q. Hit you on the face then? A. Once before on the face.

Q. Any other things you want to complain of? A. No, sir.

William Wood, 5024:

Examined by Mr. Craig:

Q. Tell us what you want to? A. I have been to the bath-room between ten and fifteen times.

Q. When were you there last? A. Very near a year now.

Q. What were you down there for? A. Reports nearly every time.

Q. Reports about what? A. Talking.

Q. How many blows were you struck the last time? A. Three or four.

Q. Were you struck over the head or face? A. Once.

Q. For what? A. I don't know.

Q. For turning your head? A. No, sir.

Q. When were you paddled before that? A. Some time before that.

Q. How long, six months? A. It wasn't quite as long as that; I was in the gymnasium; I used to go down there daily one month.

Q. How many times did he strike you over the head? A. Every time I have been down there.

Q. You have been there how many times? A. Between ten and fifteen.

Q. Anything else you want to tell? A. No, sir.

J. D. Johnson, recalled:

I was to go down in the bath-room in June for using tobacco, and I saw 3065 standing there waiting to go in the bath-room, and he says, "Good-bye, Johnson;" I says, "What is the matter?" he says, "I won't come out again;" and when he came out I saw him carried out in a blanket, and he was bleeding from the nose and mouth, and a couple of days after he died; and they had it put in the paper 3065 died in the hospital.

Q. What month in the year was it? A. Eighteen hundred and ninety-three; it was in June.

Q. What was the man's name? A. I don't know; I heard him ask for mercy, and the superintendent said, "Yes; damn you, I will give you mercy;" that is all I heard him say.

Thomas Durdan, 3256:

Examined by Mr. Craig:

Q. State what you wanted us to know? A. When I first came here it took me eight months to get a blue suit; I got the blue suit and I was in it about ten months, and I was reduced to the black suit and was down six months; then I was in the blue suit again; I was in the blue suit that time a year; I was an officer, a monitor in the dining-room; I lost my grade that time through tobacco; they said I had tobacco; I didn't have any; I got a pipe off one of the men; I give it to another man, and they put me down for that; I was authorized for parole; I was paddled for having the pipe and I have been paddled since.

Q. Where were you struck? A. In here.

Q. Anywhere else? A. I had a black eye; the strap gave me a black eye, struck me over the head; that was about four months ago; that was when I was paddled the last time.

Q. When were you paddled before that? A. I was paddled about two years after I came here.

Q. What were you paddled for then? A. The pipe.

Q. What were you paddled for the last time? A. For fooling with a boy: they said I tried to commit sodomy on him.

Q. Did you have your trousers unbuttoned? A. No, sir.

Q. How were you fooling with him? A. I was fooling by the closet with the man.

Q. What do you mean by fooling? A. Scuffling.

Q. Is that all there was to it? A. I was put in the solitary for six days and six nights and paddled; I don't think I deserved it.

Q. Were you struck over the head? A. Yes, sir.

Q. Who said you tried to commit sodomy? A. Colonel Bryan investigated it, and he said I tried to commit it, and I didn't say whether I tried to commit it or not; I said I didn't try to commit it, and he said he knew better.

Q. Who told him? A. One of the inmates in the shop where I work; he has gone home; his name was Bencoven.

Q. What did the boy say? A. I don't know what he said.

Q. Had you unbuttoned the clothing of the boy? A. No, sir.

Victor Kratkey, 4900:

Examined by Mr. Craig:

Q. Tell us what you want to? A. I would like to know whether it is justice to spank a man in the condition I am in, especially with this stuff on top of my neck.

Q. What is it? A. I don't know; the doctor won't tell you nothing about it.

Q. A swelling? A. Yes; all over my whole body.

Q. When were you spanked? A. About six months ago.

Q. What for? A. Reports.

Q. About what? A. Looking around the shop; maybe asking the monitor for something.

Q. Where were you struck? A. Right across the kidneys and across the head.

Q. How many times over the head? A. Twice; and hit me so long until I dropped and and they carried me out.

Q. Did your feet touch the ground? A. No; some men helped me to get out.

Q. Who were they? A. Some hall men.

Q. Give their names? A. I couldn't tell you.

Q. Did Mr. Sample? A. Mr. Sample stood in the door.

Q. When were you spanked before that? A. Pretty often before that.

Q. Hit over the head? A. Yes; every time I looked toward the superintendent.

Q. What made you look around? A. The pain.

Q. Why didn't you keep your head around? A. I couldn't.

Q. How long has the swelling been on your body? A. About a year and a half.

Q. How many times have you been spanked since that has been on your body? A. Nine or ten times; I have asked the superin-

tendent and the board of managers for at least a few months, so I could get this taken off of me; I would be willing to do the full time; they let a man with sound body go out, but me, they keep me here; they say I can get as good health here as I can outside; that isn't true.

Morris W. Mansfield, or Myron W. Maynard, 5300:

Q. State to us what you wish to tell us? A. I think that I was not justly treated; I was reduced to the red set on the word of another inmate, who I proved at the time had enmity toward me.

Q. Inmate officer? A. No, sir; he was not an officer; he was at that time in the second grade.

Q. What was the offense? A. Fraud in putting up my task in the printing office; said I did not put it up properly; I have been in the printing business for ten years and I have done nearly twice the task I am required to do; on that offense I was taken to the bath-room and flogged; spanked, as Mr. Brockway calls it.

Q. How many times were you struck? A. I couldn't swear to the number.

Q. Struck over the head? A. Not with the strap; he hit me over the head with his open hand.

Q. What did he hit you with his open hand for? A. Slapped me across the face.

Q. What for? A. I don't know; I didn't say a word to him down there except to answer his questions.

Q. Did he hurt you when he slapped you across the face? A. Not very much.

Q. Did he say anything? A. He said this wasn't a Concord reformatory, by a damn sight.

Q. When were you spanked before? A. Not at all.

Q. What were you convicted of? A. Forgery.

Q. Was it true? A. Yes, sir.

Q. How old are you? A. Twenty-three.

Q. What were you sent to Concord for? A. Receiving stolen goods.

Q. Was that true? A. Yes, sir.

Q. How long ago was that? A. I went there in 1888; I was then 18 years old.

Q. What is the difference between the Concord reformatory and this? A. The main difference, as I understand it, no inmate has any authority over another, no inmate officers at all; I had charge of the printing office, but I had no authority over any man; I simply had charge of the work; I couldn't report a man, and my word wouldn't be taken against anybody else unless I had good evidence; they treat you there more as a man, and not as a mere

consecutive number, as they do here; some way or another they seem to put a man on his honor, and if he does what is right he gets a kind word once in a while; they have no flogging there.

Q. What do they have? A. They have a room they lock you in, they call a sick room; it is an isolated room by itself.

Q. Do they have a solitary? A. Yes.

Q. That system didn't seem to reform you? A. No; but it did a great many; I am so I am a prejudiced speaker, but I think it was a better place than this.

Q. Better for the future of society? A. Yes, sir; there was a better public opinion; there was a more healthy public opinion among the inmates than there are here; I never heard an inmate speak harshly against Colonel Tufts, the superintendent; I think consecutive number 5355, Murray, I would be willing to assert his death was caused by the flogging and treatment he received here; he worked under me; he came back two or three days after coming to the bath-room and would go to his case to work, and I would carry him copy or something and it would be all he could do to move around; two or three times I said to him, "Murray, would you feel better if you took a bath;" I would send in there and let him go in the bath-room, and the water seemed to make his pain go away; I have seen his back; it looked like a piece of beefsteak, black, raw and bloody; I don't think that is punishment for a boy of his age.

Q. How old was he? A. I should not have said he was over 17 or 18.

Q. When was this? A. This year; the last time he was flogged was the first or second week in April.

Q. How long after that did he die? A. I can't swear to the exact day, but I went in the red set the fifth of May, and while in that company he died, one Saturday, he died the day before; it was in the middle or toward the end of May.

Q. That would be how long after the last paddling? A. I should say from four to six months.

Q. How far apart were the paddlings? A. Before that he got two in one week; he got one at the time the draft went away, the sodomy deal; he was implicated in that deal and he was flogged, at that time and then a week afterward he was flogged, and the morning they went away, as they went by his room, he sung out good-bye to one of the boys, and he was chalked in and flogged again the next morning; when he came back to the printing office the last time he showed me underneath his arm, he had a swelling just to the left of the breast.

Q. What did it look like? A. A round swelling, something the form an abscess would take before it had come to a head,

and it pained him to raise his arm and I took him off his desk and put him on general work, and the superintendent gave me quite a reprimand and ordered he should go back on again; we used to help him on with his coat; this was just before he went to the hospital.

Q. How do you know he went to the hospital? A. He was assigned, as I understand it, to the hospital.

Q. How long was that after the last paddling? A. Two or three weeks.

Q. What was his condition while he was in the shop? A. He was pale, restless; he hated to move; he seemed to have no life at all; what made it more noticable, when he first came here he was a lively boy, full of life; I know another boy, Steincke, was flogged quite severely; he came back with marks across his face; he is about 16 or 17; he received a yellow report for talking.

Q. When was it? A. This was soon after he came here; Culelow was taken out of the printing office and flogged; he was taken out on my bare word; I says to the citizen foreman, Snyder: "It seems to me he don't care, you ought to wake him up a little bit;" and he told the superintendent and the superintendent flogged him; his left eye was entirely closed up; he didn't seem to do his work; he is very slow and deliberate sort of man, and I says to him: "Why don't you work faster and get your task done;" "I can't do it and I don't care very much;" he was discouraged, and Mr. Snyder represented to the superintendent; I suppose he thought the boy couldn't do his task; the boy is in the printing house; his left eye was entirely closed up; he is naturally very slow.

Q. What was the size of this bunch under this man's arm? A. As big as an English walnut.

William Maas, 6098:

Q. You asked for an interview? A. Yes, sir; all my interview was they said I done my crime in New Jersey, and they caught me in New York, and I had my trial there, and sent me up here for five years for receiving stolen goods; I didn't know it was stolen; I plead guilty; I didn't know anything about law.

Leopold Cohn, 2888:

Q. You wanted an interview? A. Yes, sir; I arrived here February 10, 1888; I earned parole in a year; was out six months; during that time the first place I went to I left of my own accord for the reason a reflection was cast upon me while in that position.

Q. Reflection of what? A. They claimed I didn't pay a bill.

Q. Was it true? A. No, sir; I didn't commit a crime while on parole; at the time of my arrest when I was brought back here I

was working for the New York World; I was working all the time I was on parole; at the time I was brought back I wasn't taken before any court; I was really kidnapped in New York city.

Q. The law regards you, when on parole, the same as if you were an inmate, and the managers can take you anywhere and bring you back? A. It was one of their own officers; I complain of the treatment I received since my return from parole.

Q. Do you know why you were taken back? A. I didn't report.

Q. You knew you ought to? A. Yes, sir.

Q. You knew you were liable to be taken back? A. Yes, sir; when I was brought back I was put in rest-cure punishment; I didn't violate any of the rules of the prison; I was put there for forty-three days, on two meals a day, without any reading matter.

Q. You didn't get hungry? A. I think I suffered enough in there; it isn't the food I complain so much; I suffered mentally mostly.

Q. On account of being brought back? A. Yes; and being locked up on hot summer days during July and Auugst.

Q. Did you have a Bible? A. No, sir.

Q. Did you ask for one? A. No, sir; for the reason I knew all reading matter would be excluded, even the Summary; a few days after that I was taken sick with diarrhoea; after I came out from the rest cure the doctor prescribed castor oil; that is a medicine I couldn't take; I took some of it, but I spit it out; I received a first-class report for that; I was taken to the bath-room and flogged; I don't think I was in a condition at that time to be flogged for that offense, without receiving any warning at all; I received six strokes; this was in August, 1889, the latter part.

Q. Where were you struck? A. In the small of the back.

Q. Not on the head? A. No, sir; he told me if I turned my head I would be struck on the face; when I left the bath-room, when my pants were down, one of the officers named McNish kicked me; I am not a fighting man; I am not a tough; I happened to lock in 647; he kicked me in the cell; I don't mean the paddling was much; it is that kick I feel to this day; I think it was a cowardly kick; after that I was in the bookbindery, under a man named Vishoff; he was a foolish kind of character; he wasn't able to take care of himself; I received reports for things I never committed; it was foolish on my part to deny reports, because nine times out of ten you received the chocolate report for denying reports; I was transferred on his reports really to Auburn State prison, in June, 1890; I was twenty-two months in Auburn State prison; I earned the good will of Mr. Durston, and the contractor, Mr. Stickley, in whose office I worked; I worked in his office, and he took an interest in me, and Mr. Durston intro-

duced me to a lady in Auburn, who tried to get my release; instead of that, they had me returned here; this shows that Mr. Durston took an interest in me.

Q. What lady in Auburn was it? A. Georgie Pullman; she wrote to Mr. Brockway and received a very insulting reply, and Mr. Durston commented on it at that time; while I was in Auburn I was sent away with a batch of men, where a majority of them died from the results, they claim, of the flogging they received here; the reason I bring this up is because I had a physical examination up at Auburn; Dr. Sawyer examined the remainder that didn't die; I was returned here April 2, 1892; I was put in the office here in a responsible position, and while in that position I was accused of conniving with a man for not reporting him for making mistakes in report; this is not true; I didn't give reports for the reason, in my opinion, he didn't deserve it; I referred the matter to the board of managers in writing, and the board of managers never took any action, in fact, I knew at that time that it was useless for me to go any further, to which I received that reply (presenting); I am very anxious you should see that note I wrote to the board of managers at that time; it is filed in a box here.

Q. What was your application? A. I asked them to give me a court-martial on that offense; I am reduced to the lowest grade on a trivial matter of that sort, with a possible detention of seventeen months more; this is my first offense, and I don't think I am deserving of this treatment.

Q. Who reported you on those things? A. It was first reported by an inmate through malice, a colored man who was working on the floor at that time, to a parole officer, Mr. Woolley; I have always been a position where I know several deaths have happened directly from the paddle: I know a man died in 1889, named Harry Day; two this year named Murray and Mahoney; Day was caught with tobacco and he was flogged; put in the solitary, and while he was in the solitary he suffered from hemorrhage and was taken to the hospital, and shortly afterwards, I am not certain now; after that he was caught with tobacco again, and he was taken to the solitary; he died directly as the result of the treatment he received here.

Q. How do you know he died? A. I was acquainted with the man; I know he was in good health when I first got acquainted with him.

Q. How long did he die after he was put in the solitary? A. That I can't say.

Q. You don't know whether he died at all? A. Yes, sir; I do know.

Q. Did you see him in the hospital? A. No, sir.

Q. You don't know how long after he was punished he died? A. No, sir.

Q. How do you know his punishment was the cause of his death? A. He suffered from hemorrhage down in the seclusion; I know of Murray, 5355; I worked in the paper box shop; this night I saw him when he came out from the bath-room; saw his face bundled up and his back soft.

Q. Was his back exposed? A. No, sir; he showed it afterward.

Q. Give the date when you saw Murray come from the bath-room? A. Either the latter part of April or early part of May; this was in the shop; it is mostly documentary evidence I know of; I kept the records in the book; I know one man, 4819, Smith, was taken to the hospital; that was November or December last year; went direct from the bath-room to the hospital; he stayed in the hospital six weeks.

Q. How do you know it? A. I kept the record; I was allowed access to all the books; I was chief clerk at that time.

Q. You tell these thing partly from being in that position? A. Yes, sir.

Q. Anything else? A. No; only I know several men that have marks on their body, in the gymnasium I see them stripped every day, from the results of the paddling.

Q. Anything else? A. No, sir; that is all.

Q. Can you tell me about how many men are beaten in the course of a year? A. On an average of a thousand a year; the day-book does not show it; an entry is made in by order; sometimes these men are not paddled but admonished; admonished consists of anything from a kick up; any of the officers can do that down there; they all get at you; the superintendent stands in the center, and one of the officers stands on this side and the other officer stands on this side, and the reports he holds and says, "You are charged with talking," and the first thing you know he hits you in the face, sometimes with a paddle, and that he calls admonished; this I know from hearsay; the way I was down there from all the stories I have heard it is the same thing; one man takes your shirt and tears it up your back; there are a thousand men a year.

Q. Could you prove that from the book? A. Yes, sir; I have known him to give eighty-two strokes a day.

Q. They don't paddle them on Sunday? A. They have done it on Sunday; I can show you four; this is the only Sunday I recollect; that was in January, the fourteenth; there was a transfer made from here, and it was the Sunday previous to the fourteenth.

Q. You say some days over eighty strokes; you don't mean over eighty men? A. No; I can tell from the remarks himself; he makes the remark himself on the report.

Q. Do you suppose that record shows the correct number of strokes each man gets? A. No, sir.

Q. What reason have you to doubt it? A. Because I have spoken to several men and they have told me they received twenty or ten and the record would show six or twelve; those men are in Auburn mostly.

Q. Are the names of the men paddled entered in the report; A. There have been men paddled in the blue suit and in the black suit that were never entered because they afterwards found out they were innocent.

Q. They never paddle a man in the blue suit? A. If he is found with tobacco they paddle him to make him confess; sometimes the man is actually innocent; he is made to confess and he is flogged until he makes some statement; sometimes he refuses to make any statement at all.

Q. What is the greatest number of blows in the book? A. L blows, God knows how many; one man actually lost his hearing; now 5344, Pearce, he is in the gymnasium here; the reason he received so many when he went out of one of the cells down in the guard-house he struck the officer, not through malice but to get away, not to go in the bath-room, and when they caught him they handcuffed him and brought him down to the bath-room where he received his flogging.

Q. Mr. Brockway didn't act mad when he flogged you, did he? A. It is a put-on madness, because after he comes up always he comes up laughing.

Q. He didn't exhibit any anger when he punished you? A. When he came around to the cell where I locked, he said, "If you don't obey the rules I will kill you;" that statement he makes to scare you; that statement is often made and in the notice to the men.

Q. Who writes the notice? A. The secretary.

Q. Those notices copied in a book? A. Yes, sir; the notices are all copied in a book.

Q. What is that book called? A. Copy-book.

Q. How long would it take you to take the statistics of flogging from the book? A. I guess in one day or a little longer than a day.

Q. If I give you the original book and ask you to get it out for five years back how long would it take? A. I guess I could do it in three weeks; I would have to get out all the papers.

Q. How many instances do you know where you could impeach the record that has been made? A. I couldn't answer that question because I haven't spoken enough to the men about that; it is only in one or two instances; tobacco they count one of the most serious offenses in here, no matter how large the quantity.

Ernest Herfurt, 5804:

Examined by Mr. Craig:

Q. What is it you want to tell us? A. I was in first-class condition when I came to the institution in March, 1893, and I go ruptured.

Q. Where did you get it? A. In the foundry; and I got rupture on the other side; I am going to see the doctor to-night; nobody done anything for me; I ain't able to do the work; I can't carry the iron; I showed the doctor the first time and he gave me a rupture and it was a little small and I saw him this morning and told him I was ruptured on the other side, and he says, "I am going to see you to-night."

Lawrence Quinn, 5571:

Q. Tell us what you want to? A. Since I have been here I have been treated very harsh; I have been flogged when there was no reason for it.

Q. When was that? A. I couldn't exactly say what time it is; an officer, before I got flogged, blamed me for rubbing some chalk-marks off a door; I didn't do it; I got a court martial and proved my innocence; I had the whole gallery to prove it; the officer had a little animosity in for me, and he got me down for things I never done; when I was taken to the bath-room the superintendent says, "We have had enough bother with you with the officer," and I was flogged across the back and face.

Q. How many times in the face? A. Once in the face.

Q. Were you flogged any other time? A. Yes, sir; that was twice inside of two weeks; I was flogged on the twenty-fifth of this month and I was down three days after that; I got flogged again.

Q. Were you struck over the head? A. No; I was struck once in the face; that was the only time I got struck above the body; I didn't know I had the report until I was fetched down to the bath-room and flogged.

Q. Did you tell Mr. Brockway you were innocent? A. I didn't get time to speak; "Take down your pants," and I had to get up against the wall, and he told me the next time I came down he

would take the hide off of me; the place I am working is in the middle room, for all the iron that comes out of the foundry; in the morning you can't see a finger before you; you have to swallow dust, and I have no means of preventing it or nothing; when I was sick one day the doctor asked me was I sick, and I told him yes; I was chalked in.

Q. Do you know about others being flogged? A. Yes; a man just spoke to me that he wants to come in; he told me he wished I would mention his name to you; he says he has got very brutal treatment; he has only a few months to serve out his time.

Q. Do you know anything about him? A. No; I have witnesses I showed my back to; when I was in the hall I showed my back; when I was in the hall I showed my back to the bucket men.

Simeon Beman, 4926:

Q. Tell us what you want to. A. The treatment I have received in this institution, I have been nearly killed in here; I have been taken down to the bath-room eighteen or twenty times.

Q. What was the last time? A. The last time I am sick.

Q. When was the last time? A. June ninth.

Q. What were you taken there for? A. For reports; I couldn't do my task because I was sick; I used to complain, but they didn't pay attention.

Q. Did you go to Dr. Wey? A. I was up in the hospital.

Q. What did the doctor do? A. He sent me back to work.

Q. How many times were you struck? A. I don't remember; I couldn't count them.

Q. Were you struck over the head? A. Over the head; they kicked three teeth out; the head keeper, Halpin.

Q. Who else was there? A. Sample is doing the same.

Q. He didn't kick your teeth out; were both of them kicking you? A. Yes, sir.

Q. What was he kicking you for? A. Because I refused to take off my clothes; they hung me up.

Q. When did they kick you, before they hung you up? A. Yes; because I was defending myself.

Q. Did they get you down on the floor? A. They made a football of me.

Q. What time was it you were paddled, before that? A. A year or year and a half ago.

Q. What was that for? A. The same thing; I couldn't do my work, because I couldn't.

Q. How many blows were you struck then? A. I couldn't tell.

Q. Were you struck over your head yet? A. Yes, sir; most times over the head; I was sent to the military and I had a face that nobody could recognize.

Q. Who saw you? A. Nobody.

Q. Who were present when you were paddled? A. Lazenby, Halpin, Sample and Coleman.

Q. Did you refuse to take off your clothes? A. I refused the first time because I couldn't speak; I am not long in this country; they never tell me any more to take off my clothes; as soon as they had me down they commenced to club me.

Q. Are you a fighter? A. No, sir; I never seen a fight.

Q. What has been your condition since you were last paddled; are you working in the foundry? A. No, sir; I have been locked up for three weeks.

Q. Were you in handcuffs? A. I was in the solitary eight or nine times.

Q. Were you two Sundays in handcuffs? A. No, sir.

Q. You are now in the special treatment class? A. I wish I was not there; they make a fool of a man jumping; that makes a man hungry and when he comes to his room he has to eat bread and water; I have been in the bath-room eighteen times, but I haven't got paddled every time.

Q. How many times have you been paddled? A. Eight, nine or ten times.

Q. Anything else you want to state? A. If it is possible I wish you would help me along; if there is nothing to be done for me here I would like to be sent to State prison; I was in the screen cell for three weeks; I came from Russia; I have seen places like Siberia; I never saw anything like that, a man get a black eye; once the doctor sewed up my lip.

Q. The time they kicked your teeth out? A. That time; that was a year ago.

George F. Otis, 5867:

Q. State what you wanted? A. The point is I think I have been used unjustly in work; I was assigned to the photograph gallery when I came here, and I got along all right there, until one day I found out, through the overseer, they were going to cut down the help, and as I was the last to be assigned there I was to go; I was sent to the foundry; I told them when I came here that I had trouble with my throat, diphtheria; I was laid in a little while ago eight days; I have been laid in two days now, and the foundry is the worst place I could be.

Q. You take cold there? A. Yes, sir; it isn't because I am not competent to do anything for I am; I have held a position in a bank.

Q. What is your offense? A. Grand larceny in the second; I pleaded guilty; one case it was a fictitious check; I belong in Boston; this is the first time I ever did anything; I got playing the horses, gambling.

Q. You complain you are put down in the foundry and that you take cold there? A. Yes, sir.

Q. Is that all you can say? A. Yes, sir; that is all especially.

Henry Jacobs, 5192:

Q. State what you desired? A. I didn't ask for any personal interview.

George Ryan, 4591:

Examined by Mr. Craig:

Q. State what you want to. A. I came here in April, 1891; I made a perfect record right along until the next board; I was authorized to be paroled; I had a position; I became useful here, and they wouldn't let me go; I had received typewriter to the effect I could not go; I had to stay here; finally I was on parole for six months, and in January I was charged with going into a man's room; eight months before I was accused while I was on night watch.

Q. What man's name? A. Forty-five hundred and ninety-four, Shortwell.

Q. Charged with something else besides? A. I wasn't in a parole suit then; he hadn't made an officer of me yet; they claimed I went in for the purpose of sodomy.

Q. Did you go in? A. No, sir.

Q. Who said you did go in? A. The court-martial.

Q. Who charged you? A. Forty-five hundred and ninety-four, Shortwell.

Q. The man said you came in his room and committed sodomy with him? A. Yes, sir.

Q. Any other witness? A. No, sir; the means they got this man to say this, they took these men in the solitary and beat them, kicked them around and made them say these things; if they didn't say it they had to stay there until they would say it: I heard this from other witnesses.

Q. When was this? A. In January last; they took me down there and I was kept from Saturday night until Monday in

the solitary, not chained; Monday I was reduced to the red suit and I forfeited all my money in the office; while I was in there the colonel came to me and said there was a jimmy found in my parole-room; I had never seen this jimmy; I can prove I had no use for it; the night before the draft went to Auburn I was in here in the yard to a fire; if I had any intention of running away I had all the opportunity then; previous to my being reduced I was on the extension; I was reduced to the red suit; while I was on the extension I had five or six bunches of keys, and I could have taken one of those keys off and kept it in my pocket and turned the rest in; they didn't do anything else to me, but I claim it is injustice that was done to me in not letting me go home when I had the chance to and I was entitled to, after I came out of the solitary I came up here, and the colonel interviewed me, and told me they disagreed on that sodomy, and he said I was reduced for holding conversation and having the jimmy.

Q. Was the jimmy in your room? A. It couldn't have been; previous to that they had general cleaning; I was on nearly every evening held extra, and my room had been topsy turvy; I was up early in the morning and on late at night; it couldn't have been in my room; somebody could have placed it in there; I know a man working in the barber-shop; there was a runaway from the guard-room floor, and he was found with some tobacco one day; they asked him where he got the tobacco; he said Emanuel gave it to him, and Emanuel hadn't given it to him; it was some new tobacco; they took him down in the bath-room and clubbed him; he fainted, I believe, and was taken to the solitary; I happened to be on duty; I saw him in the solitary and I asked him what was the matter, and he told me the story; they took him out and paddled him again, and they told him they would make him tell, and he told us another man in the quarters gave him the tobacco; this man got a three-mark chocolate report; after all this disturbance they found out the runaway had stolen the tobacco from a citizen's pocket that had been working in the printing office, and they never restored the man to the grade; this is an instance to show a man will lie to save himself a clubbing.

Q. When did that occur? A. That occurred around a little over a year ago.

Paul Seligman, 4356:

Examined by Mr. Craig:

Q. You asked for an interview? A. Yes, sir; I am only regretting that this opportunity wasn't offered to me two years

previous; I, at present, have no cause to complain; I had at the time; I have been treated in a manner not fit for any man to be treated; I was treated cruelly from the time I came here; I have been reduced; I have been taken to the bath-room, and I have been kicked around, hung up knocked down, taken to the solitary.

Q. How long have you been here? A. Three years on the twenty-first of December.

Q. How man times have been in the red suit? A. Twice.

Q. What was the first time you were taken to the bath-room? A. Fifth of May, 1890.

Q. What charge? A. Suspicion of having participated in a larceny of store-room goods.

Q. Were you hit over the head? A. Yes, sir; three times.

Q. Were you kicked then? A. Yes, sir.

Q. How many times? A. I can't exactly say.

Q. Why were you kicked? A. Because I couldn't stand up.

Q. Who kicked you? A. General superintendent; Mr. Brockway kicked me in the ribs.

Q. Who were there besides Mr. Brockway? A. Lieutenant-Colonel Halpin, Mr. Sample, Mr. Tom Murphy; I think.

Q When next were you paddled? A. After that I was taken out of the red suit upon the yearly proclamation.

Q. When were you paddled next? A. I guess in November or December.

Q. You had in the meantime been raised and reduced again? A. Yes, sir.

Q. December, what year? A. Eighteen hundred and ninety one.

Q. Where were you struck? A. I was hit right over here, never on the cheek of the behind; always right here; I can stand a fair treatment; I am a man, I don't pretend to be a child; I believe it is probably necessary physical treatment should be used, but handled by a man that can't control his passion, it out to be done away with; head to the right; hand up; if I didn't have my heels together Col. Halpin came and knocked my heels together, the general superintendent took the strap and struck me right across my eyes; I fell down and he says, "Get up on your feet," and I implored him to give me a show to talk; he says, "I haven't any show for you at all; with convicts like you, we will kick you like cattle; kick you in the belly, and if you are dead we are done with you."

Q. When was the next time? A. I got taken down seven successive times through reports.

Q. Were you hit over the head? A. No, sir.

Q. Were you kicked? A. No, sir.

Q. What about the solitary? A. I was down in the solitary; there was a certain deal going on in the photographic gallery; I had charge of the store-room; a young man employed in the photographic gallery, and in that gallery were a number of articles that belonged to the store-room; the man that helped me was the man that got that man those goods.

Q. What were you charged with when put in the solitary? A. I don't know; I was taken down in the solitary; Col. Halpin came to me and said, "Put on you hat and coat," took me out No. 13 door and took me over to No. 4 door and says, "Step right in, undress yourself;" I stripped myself; he searched my pockets; in my pockets I had piece of tobacco that big (indicating); when the position was intrusted to me the principal keeper says: "Seligman, I have the intention of giving you charge of the store-room."

Q. You were put in the solitary? A. Yes; I was chained to the floor and kept there for six days.

Q. Didn't they let you off at night? A. No; this was in 1891; in May I requested Hildebrandt to loosen my cuff, and he says: "I can't do nothing for you."

Q. So far as you know it was on account of tobacco? A. Yes, sir; the principal keeper told me: "Take this position; you will come in contact with consideable tobacco, owing to your intercourse with new arrivals."

Q. Were you ever put in the solitary after that? A. No, sir.

Q. What is your position now? A. Captain; at present I have no cause to complain.

Q. How long have you been in the blue? A. First of May; I am eligible to appear before the coming board.

Q. Do you want to appear as a witness? A. I would just as leave.

Q. What is your nationality? A. A German Jew.

Q. Are you certain who kicked you when you were on the floor? A. Yes, sir; the general superintendent; he kicked me twice.

Fred. Smith, 5510:

Examined by Mr. Craig:

Q. Tell us what you want to; you asked for interview; didn't you? A. No, sir.

George Morgenweck, 4806:

Examined by Mr. Craig:

Q. State what you desired? A. I was taken to the bath-room January 27, 1893; I took some alcohol from the photo department.

Q. Is there anything you want to state now? A. Only in the case of licentiousness that I know of that went on here; Hanning, 4067, McDougal, that used to be quartermaster sergeant; they used to take boys coming here to the armory, and under the pretext of giving them shoulder straps to keep them straight, and if they didn't comply with their wishes their friends would report them so they would be sent to the bath-room and get red suits.

Q. How do you know this? A. I roomed with Hanning for five months, and it was Hanning told me these things.

Q. Is he here? A. No, sir; he is now in Auburn State prison.

Q. Do you know anything else about it? A. He was sent away; I was paddled the second time; the report stated I looked at Mitchell in a contemptuous manner.

Q. Were you struck over the head? A. No, sir.

John Leary, 4420:

Examined by Mr. Craig:

Q. State what you want to? A. I don't know how to begin; I think I have been used unjust; in the first place I have been put in the red suit suit from the blue suit twice; I was to go home; then I was put in the red suit the second time.

Q. What were you put in the red suit for? A. Tobacco.

Q. You had the tobacco? A. No, sir; a man claims he gave me a chew of tobacco, and they took his word for it.

Q. Who said you had a chew of tobacco? A. His name is Johnson; he has gone home.

Q. Were you ever paddled? A. Yes, sir; and put in the solitary for seven days; I was chained down four days by the arm.

Q. So you could stand up? A. No, sir; I could only lay on one side; that was only seven months ago; it was for the case of a man, 2880, Cohn; they claim he cancelled some reports for me which he did not do; the colonel said he would keep me down there until I made a statement; I said they could keep me down there as long as they pleased; they brought me to the bath-room, and the four keepers, Murphy, Halpin, Sample and Lazenby, and the superintendent, stood with me outside, and he told me if I didn't make a statement he would kill me, the superintendent told me so; he says he wanted me to make a statement; I told him I wouldn't make any statement; I knew the consequences of paddling; I wanted to go out in physical health, and I told him Cohn didn't cancel any reports for me; in the meantime I was monitor in the dining-room; he says I gave him some good meat; I says, "Yes, I gave him the best meat I possibly could get;" he says, "That is what he cancelled reports for;" I says, "He didn't cancel

reports for he didn't paddle me that time;" he paddled me when I was here first, for fighting with a room-mate; it was customary for me to say my prayers, and my room-mate ridiculed me, and I struck him for it.

Q. How many times did they strike you ? A. Seven times the first time, across the small of the back, and struck me across the eye once.

Q. Make a mark ? A. Yes, sir; I had a black eye; that was when I was here about four months; when I first came to the institution I was here four months.

Q. When did you get out ? A. I haven't been out at all yet.

Q. What did you have to eat when you were chained in the dungeon ? A. Pan of hash in the morning, two pieces of bread and drink of water.

Q. Anything else ? A. No; one meal.

Q. Doctor come to see you ? A. No, sir.

Edward J. Ryan, 4598:

Q. State what you want to ? A. January 8, 1892. I was down in the bath-room for tobacco.

Q. Did you have it ? A. Yes, sir.

Q. Knew it was against the rules ? A. Yes, sir.

Q. You were in the red suit then ? A. Yes, sir.

Q. Where did they strike you ? A. Across the back.

Q. Anywhere else ? A. No, sir; I feel it there yet; not of that, but another time I was down, last June, 1892.

Q. What was that for ? A. For a letter; they showed me a letter, an envelope, and said it was my writing, and I say it wasn't my writing; I had seen it, the letter, previous to that.

Q. Who showed you the letter ? A. The superintendent and the colonel.

Q. What letter was it ? A. A letter I sent home to my mother, and they put me in the solitary, and they came down there, and the superintendent told me to tell him all about it, he wanted to be lenient with me; I told him I didn't know nothing about it; then he says, "I will skin you alive if you don't submit;" I says, "That isn't my handwriting;" the colonel says, "That is your handwriting; that is your mother's address, and that is your initials;" I didn't see it; that is where I commenced to go down in the bath-room; he says, "If you don't tell me I will skin you alive;" I told him I couldn't tell him; then he says to Lazenby, "Is your bath-room clean;" Lazenby says, "No;" then he says, "Stick him in the solitary," and he stuck me in the solitary; I had no shoes or nothing; that afternoon he ran me up in the bath-room without my shoes, or hat, or coat, and he give me about fifteen

cracks across the back, and asked me to give in, and I wouldn't give in that I wrote the letter, and they threw me on the floor, two of them, Halpin and Sample, and I suppose they would have kicked only the superintendent says, "Look out for his face;" I had a fractured skull, and they seen that.

Q. You got a fractured skull before that? A. Yes, sir; they put the handcuffs on me.

Q. Without you resisting? A. No; I stood with my hands up against the wall; he knocked me down and put the handcuffs on me, and pulled the hook down off the window, and hoisted me up, and when I was hanging up Sample caught hold of me, and I could feel it for two weeks after; he was hanging on my throat.

Q. You must have been resisting yet? A. He hung on my throat so they couldn't hear me outside.

Q. The handcuffs hurt you? A. Yes, sir; Mr. Brockway was behind me with the strap giving it to me for all he was worth; I guess I got about thirty cracks; I feel it across the back yet.

Q. Is there not something there now? A. No.

Q. Were you paddled any other time? A. No, sir; only them two times; this last June I had a cut on my leg three or four inches long; I went to the doctor with it, and he wouldn't give me anything for it, and the next morning I stayed in my room; I had to stay away from military, and I got two yellow reports for that, and I got a chocolate report for staying in the room; my work is wheeling out stuff; he said he would send me around a bandage, and he didn't send it to me, and I stayed in my room, and when he came around, "What are you in here for, that little thing?" I says, "Yes, sir;" he said, "I sent you a bandage;" I says, "You didn't;" the bandage came down off the floor to me while the doctor was there; that chocolate report and another chocolate report kept me from the blue suit; a broken hand is keeping me in now.

Q. Who set it for you? A. The hospital steward.

Q. How was that hand broken? A. Catching a box out in the foundry yard.

Q. When was it? A. Four weeks.

Q. Did you ask to have the doctor set it? A. Yes, sir.

Q. Who set it? A. The hospital steward, Finnegan.

Q. You think it isn't set right? A. I am sure it ain't set right.

William Gartsee, 4080:

Q. State to us what you wanted to state. A. I came here in 1890; I am not a very strong constitution; I was put in the foundry when I first came; I lost my health and was kept in

the foundry until I was very near the grave; I couldn't walk to get around; I was then taken out and treated very fair for a while; through petty offense I was reduced in grade and kept here; I have a typewriter now; the superintendent claims I tried to escape in 1890 and I claim it is false. I did not; for that reason I have been in the blue suit now fifteen months; I have a good record and a year ago the coming January I should have been paroled; I had a perfect record enough to go before the board, but I was held over and I am still held over now.

Q. When was the claimed attempt to escape? A. August, 1890.

Q. Have you been paddled? A. I have not on account of the doctor.

Q. Ever been in the dungeon? A. Been the solitary, but not to any detriment; I worked in the hall almost a year, but during the year I saw men that were brutally paddled; 4598, Ryan, was paddled in the latter part of January or fore part of February last; he was paddled brutally and brought out and put in the solitary; I saw the marks on him afterwards across his kidneys; the next case was 4830, Lyons, was paddled, for an attempt to escape, very badly across his kidneys; I saw him in his room afterwards.

Q. See marks anywhere else? A. One black eye; the next one was 4138, Johnson, he was taken to the bath-room to my knowledge five times within a year; I saw him brought from the bath-room once and taken to the solitary with a coat over his head and the blood dripping under the coat; he was in there over a week; that was in 1892, I think along in January or February; 4759, Denean, last August, a year ago, tried to escape; they made a kick and they put him in the solitary, and he was there five days, and I was in the solitary at the same time, because I was hallman, and the man was deprived of almost what was substance for a man's life, being a cup of water a day and few slices of bread, to make him tell; I was one of the men that knew they tried to escape; one of the men claimed I tried to escape, but his evidence was no good, because there was so much evidence on my side; in 1890 I read a note to a man, if we get a chance to escape we will; I threw the note over the partition so an officer would see it; I wanted an officer to get the note, because I wanted to be transferred; I thought I would be better of it; the officer got the note and took it to the stand, and ever since the superintendent claims I attempted to escape.

David Jacobs, 3569:

Q. What do you want to say? A. I was taken down to the bath-room twelve times; the last time was July 16, 1892.

Q. What did they do to you there? A. Paddled me down there.

Q. Where were you struck? A. Right here, and across my face, and I fell down and was struck across the face.

Q. When before that were you paddled? A. The first year I was here I was down there ten or eleven times.

Q. Where were you struck? A. Over the kidneys and over the head.

Q. Is that all you want to say? A. I am here over four years and I can't write no letters home to my parents and I don't get enough to eat; bread and water you get in the red suit; the hash ain't fit to eat; I worked in the D. B. a while, and I know what it is made of.

Q. What is it made of? A. All the stale bread picked up in the halls; it is all chucked in the hash machine and it gets chopped up with a little meat and potatoes left over from the dinner of the day before; three weeks ago, after you were there I was walking through the hall and an inmate officer came to me and says, "You were talking;" I says, "I would like to know who I was talking to;" he says, "Go on;" I wouldn't go on, and he called me up to the colonel; the colonel locked me up downstairs and came around to me the next day and says, "What do you suppose; do you think you are going to do as you like because those gentlemen were up here;" I says, "No, sir;" he says, "I want you to understand I am here yet; I don't want to cut you to pieces before you go home;" I was worrying and I couldn't eat no food, and I lost twenty pounds in two months; the officer in the P. C. class told me that; I asked the superintendent to take me out of the tailor-shop; the more I complain the more I get licked for it.

Q. Why didn't you get out of the red suit? A. I was out of the red suit.

Q. How long have you been in the red suit the last time? A. I went down the day after you people came up here.

Q. What were you sent here for? A. Burglary.

Q. Were you guilty? A. Yes, sir.

Q. Did you enter a house? A. No, sir; a stable.

Charles Reilly, 4807:

Q. What do you want to say? A. All I have got to say is they put me down wrong; put me down on an inmate's word; charged me with a thing I never done; charged me with going up to the south quarters and asking the janitor for a plug of tobacco, saying Major Bickley sent me; that was last August they reduced me; I was in the first grade.

Q. Did you do it? A. No, sir; the colonel came up and gave me sort of a talking and just reduced me.

James Martin, 5395:

Q. What did you want to say? A. What I want to say about is the food we are getting here; in the morning the hash is, some mornings, sour, and another morning I found a big cake of soap in my hash and another morning I found some bugs in it, and at noon time the soup I got has been full of dirt, and has been sour, and especially the beans we get; I have had beans time and time again that have been so sour I couldn't touch them; I had after that bread and molasses all day, for dinner, supper and breakfast; the man over me in the shop has treated me like a dog.

Q. An inmate officer? A. No; citizen officer.

C. W. Vonner, 3261:

Examined by Mr. Craig:

Q. What did you want to say? A. I have written you two notes; the first note I wrote in chapel before you made the announcement we could have a personal interview and I wrote another note; am here four years and ten months and I think I am entitled to short time.

Q. Have you any complaints to make of treatment? A. I was down in the bath-room fourteen months ago, and I have the marks on me yet.

Q. What for? A. Writing an improper note to an inmate.

Q. Was it improper? A. Yes, sir; I had been reduced from the blue suit to the black suit, and I was wrongfully charged with making improper advances to men; I then wrote him a note; the man was worked upon by several officers to go against me; it all started from a private grievance Rooney had against me; I wrote, "You have taken a stand against me and there are several people that want to get square with you, friends of mine, so look out for yourself."

Q. They put you in a red suit for that? A. Yes, sir.

Q. Paddled you for that? A. Yes, sir.

Q. How many blows? A. The first time it seemed fifteen and the second time nearer thirty.

Q. You didn't count? A. No, sir.

Q. Strike over your head? A. No; I had been there before; the first time I was paddled owing to the deliberate lie of Colonel Bryan; I had charge of the band and whenever instruments got broken I used to send down to have them repaired and the man complained I was using him too often; the colonel says you shall have to let them go until 12 o'clock; I spoke to Mr. Hoppe, who was supposed to have supervision of the band, and he said he would alter that, and he spoke to the colonel and the colonel

denied he made any such order; I got a chocolate report and was taken to the bath-room and got about ten blows, I should think, and about ten days after I was taken down again for reports and this time I was struck in the face when I turned my face; I had marks with me for several weeks; I was so situated in the band I couldn't help getting reports; I had no military rank and several of the men had military rank and when I reported them in the band they got square with me; I was very seriously beaten when I was in the bath-room, the last time fourteen months ago; I have the marks on me yet; I have marked down several things I want to speak about; one is about a man by the name of Beman, 4926, who was in the solitary the last time; he told me before they took him to the bath-room they took him to the solitary and starved him a couple of days in order to weaken him.

Q. Is he here now? A. Yes, sir; the superintendent knocked his teeth out; I didn't see it myself; that I was told by other inmates, not by himself; 5355, Murray; I am working in the printing office, and I was there at the time he was in the bath-room; he was taken down for every report he got; the first report he got from the monitor; he was taken in to the bath-room and paddled and a short time after he was paddled again.

Q. When was this? A. It must have been in April.

Q. How long was it after that he died? A. I believe two or three months; he died afterwards.

Q. Did you see his face when he came back? A. Yes, sir.

Q. How did it look? A. Very bad; several men saw him when he was taking a bath and he had an abscess on his side; Steincke, I saw him when he came back from the bath-room; his face was disfigured similarly; he is here now; there is a man named Smith, 4819, I believe; he was taken very often, and was shortly after taken to the hospital; that was last September, a year ago, or October; he is now in the physical culture class.

Q. How long after the paddling was he sent to the hospital? A. He was paddled several times; he came out of the hospital, I believe, in December; he told me in the dining-room he was afraid to write on account of the superintendent; the superintendent is around as much as ever; on one occasion the superintendent told me when I had several reports, he says: "I don't give a damn whether they are right or not; whether you deserve them or not; I will take you down to the bath-room and kill you."

Q. When was that? A. April, 1891; I had gotten two reports from an inmate officer, and they were entirely unjust, and I went up to the superintendent and explained them, and told him I could prove them; he turned it over to Colonel Bryan, and the

colonel asks the man, the inmate officer, did he do it, and the man says yes.

Q. Is that the way Colonel Bryan did it? A. Yes; the first fair investigation I got was yesterday; up to that time he says to the officer: "Did they do it?" and they say yes; there was a man (Aaron) was taken down there often; one day when he came back I heard the officer say to him: "Do you think you can behave now?" and shortly after that he was taken to the insane asylum.

Q. How long after? A. A few weeks; he was locked next door to me; we were both in the rest-cure; McCune, 3485, told me this week he was down to the bath-room about fourteen times, and he is a cripple now; he was in the hospital not long ago; he claims it is from the paddling; he is a complete wreck now; there is a man (King), I don't know his number, who was transferred to Auburn; he got the worst paddling anybody ever got here; he was transferred for trying to send out a letter.

Q. When did he get that paddling? A. Shortly after I came here; Mr. Hoppe told me Ogden, in January, tried to commit suicide; he is now in the physical culture class; he was implicated in the rape deal, and they took him down there in the solitary where they held their investigations, and then the men were asked the question, and they didn't answer to their satisfaction, someone jumped up and punched them in the face, and he attempted to cut his throat; there is a mark there yet; no man who has gone home tried to commit suicide; he told me so himself; Nusbaum in the band has been in the bath-room; Herof in the band, Richards, Becarro, he had a black eye when he came out.

John Smith, 4682:

Q. State what you have to say. A. I was taken down about eight times in the bath-room; every time he would get hold of me and he would say, "Get up in that corner," and he had a strap soaked in water, and give me about thirty-two across every time.

Q. Did you count them? A. Yes, sir.

Q. What time was it? A. Last year; he took me down March twenty-seventh and give me fifteen, hit me across the kidneys and caught me over the chest, and I turned around and says, "Can't you have mercy on a man," and he says, "On;" he took me down for fighting and I says, "I don't know anything about this man;" he says, "You are a liar;" these sergeant's word is against my word; some people have it in for me and they soak me every time.

Q. When were you paddled last? A. Fifteenth of March.

Q. Where did he hit you? A. All over the body and on my face.

Q. When did he paddle you before that? A. In 1891 about four or five times.

Q. Where did he hit you? A. In the face and blackened my eyes; he says, "I don't want to bruise your face up; turn around and don't look at me; I don't want to send you out bruised;" I went up and saw the doctor, and I have that pain ever since March twenty-seventh; he has been giving me several kinds of medicines; I can't eat anything; after I eat it pains me around the heart and chest; I saw the doctor and he says, "You are a fakir;" I says, "Examine me;" he says, "You are faking," and he gives me five or six packages of powders, and what good does it do me; nothing; he says, "You have been a bum outside and never done any work;" I said, "You can't call me a bum;" I says, "I would like to get this report canceled about fighting;" he says, "You done the work; you committed the crime; you hit the sergeant;" I says, "No; I did not;" he paddled me terribly.

Q. Hit you over the head? A. Yes; bunk my eyes up, and Halpin kicked me, and the superintendent went and took the strap and beat me across the head in my face; I couldn't see one eye; he says, "Every time you come down here I will give you more;" he takes you down for the least little thing and paddles you; these sergeants go up and tell the colonel, the colonel goes and tells the superintendent; they took me down lately on a report; the man next door asked me about the superintendent, and he says, "The superintendent went down to Albany to see the Governor to work up some influence;" he says to me, "I have a good mind to take you in the bath-room and give you a good beating."

Eddie Margrette, 5132:

Q. What did you want to say? A. I have been kept here so long; I have been kept here twenty months; I was sent here for assault.

Q. Have you been in the blue suit? A. I never was in it; I have been in the red suit three months.

Q. When were you put in the black suit? A. May.

Q. Were you spanked? A. Yes, sir; they struck me five times with the strap on my back.

Q. On your head? A. No.

Q. What did he strike you for? A. He said I had no right to do what I did do; I strike an officer in the face.

David Settokowski, 4432:

Q. What do you want to say? A. When I first came here I used to get chalked in, and I got spanked so I got my kidneys knocked out.

Q. When were you spanked last? A. About sixteen months ago.

Q. How many blows ? A. I don't know; I couldn't count them.

Q. Were you struck over the head ? A. Yes; sometime knocked over the head and knocked senseless.

Q. You say it is lame there ? A. Yes, sir.

Q. Any mark ? A. No, sir.

Q. Were you paddled any other time ? A. Yes; before that; I was struck across the ear and I can't hear, in September, 1891.

Q. You were struck with what ? A. With the strap.

Q. Can you hear at all ? A. I hear but very little, and every time winter comes it gets worse.

Q. Was the hearing good before that ? A. Yes, sir.

Q. How many times have you been paddled and struck over the head ? A. I don't remember how many times I was struck; every time I used to go down.

Q. How many times have you been paddled ? A. Four times now.

Q. Anything else you want to state ? A. I was put down in the red suit a second time on the report of a citizen officer.

Edward Bradford, 5920:

Q. Tell us what you want to ? A. One night I was coming in the bread line and an Italian shoved me over a can of tea and spilled tea in my shoes, and I put my hand up and Mr. Brockway came in and said I was fighting; that was about two months ago; they put me in 604, and I was there from Sunday night until Saturday noon.

Q. Were you chained ? A. No, sir; I had bread and water three times a day; then he took me out and started to take me down in the bath-room and said he would give me a paddling, and some men in the bath-room were painting and they let me go; he sent me on up to work.

Q. What else have you to complain of ? A. I can't get along here on account of the inmate officers; their words go to everything; Mr. Brockway won't cancel a report; a great many times they are wrong; I can't get along and get out of the red suit on account of schooling.

Q. How many times have you been paddled ? A. I haven't been paddled at all.

Kazemer Kiiatkowski, 5277:

Q. Go on and tell your story? A. I want to tell the treatment I got in this institution; I couldn't speak English; I was working in the barber shop, and I didn't want to do that; Brockway took me out and put me in another place and I couldn't get along; the fellow got mad because I wouldn't do crooked work and he gave me reports.

Q. An inmate officer? A. Yes, sir.

Q. Have you ever been paddled? A. No, sir.

Q. What was the crooked work he wanted you to do? A. Chew tobacco.

Q. Who reported you? A. I don't know his name; three or four months I didn't get so many reports.

John Ferearo, 5836:

Q. State what you want to? A. I can't talk English; I have been in the bath-room three times.

Q. Where were you hit? A. I got a chocolate report for stealing fourteen coats from another man, and I didn't do it; they paddled me.

Q. Where did they strike you? A. In the eye; I have a mark there now.

Q. When was it? A. About two months ago.

Q. How many times did they strike you in the head? A. I don't know; about twenty times; all blue and black; for two or three weeks; I couldn't look.

Q. Did they paddle you any other time? A. No; only once.

Bias Nellis, 4143:

Q. What did you want to tell us? A. I was sent here from Rochester.

Q. Do you know me? A. No.

Q. What were you sent here for? A. Rape.

Q. Was it true? A. I understand when I came here, before I lived in New York I had a cousin at Rochester, and I went up there and lived in a house three or four months, and my cousin done something to a little girl, and another fellow says I done it, and I didn't do it; I have been here three years and three months; I have been twenty-seven months in the blue suit; I have been in the red suit; I have not been punished.

Q. Do you know why they don't discharge you? A. No.

Q. How old was the girl? A. Fourteen years old; somebody else did it while I was in New York.

Q. Was she a bad girl? A. Yes.

Q. Did she swear you did it? A. No; her stepfather is Italian and her mother French; I am Italian.

Robert Harrigan, 4074:

Q. What have you to say? A. In the year 1891 I was getting along the best way I could and in February I got out of the red grade and I was getting along all right and I got taken out of my shop and put in the rest cure for six days; I don't know what for; they didn't tell me nothing at all about it; the physician wouldn't do nothing for me; then I was sent back to my shop and I was broke up; I was taken down in the bath-room for an obscene note in my possession; this man was explaining to me what he had done on the outside; I was taken down and he got me about ten raps across the behind, and I couldn't hold up my hands any longer, and I commenced to holler; he commenced to hit me over the head and shut my right eye up; I told him I couldn't hold my hands up any longer and he gave me a kick in the belly:

Q. Who did? A. Mr. Brockway, and I fell down and I got carried out and was put in the first room in the south block and about half an hour afterwards I got taken back to my work with a shut up eye; last winter I went out to see the physician and I got a cold when we moved in the north extension; I went down to see him for pains in my back and kidneys and he said this thing and that thing, and asked me about my work; he didn't give me no medicine that night, and I went down the next morning, and I told him the same thing; he thought I was fooling him; I got medicine that night ; it looked kind of green and oily and had pretty good smell like whisky; I took it and it made me sick; he says, "One dose won't cure you; I will have to give you another one;" O'Brien was the hospital steward; he came around and said, "Don't take that medicine; it will make you sick;" I kept waiting for about six months and I went down to see him about the thing and I had lumps in my throat; he seen the lumps and gave me some medicine and cured me all right, and I went down about three weeks after and he gave me kind of a powder and that cured me all right; about seven months I was chafed and I went to see him and he said he would give me something that would cure me in twenty-four hours; I used the medicine about three dozen times and it done me no good; the same sore is there yet, kind of boils or ulcers break out. ,

Q. Did you ever go with bad women? A. Never did in my life; I have kind of lumps breaking out on me; the first time I went out and saw him and he said it was prickly heat.

Howard Stephens, 5401:

Q. What did you want to say? A. I have been used all right since I have been here; all the trouble is with me is school.

Q. What were you sent here for? A. Bigamy.

Q. Was it true? A. It was a put-up job the last part.

Q. How many times have you been in the red suit? A. This is my second time.

Q. What were you put in the red suit the first time for? A. Lots of marks.

Q. The second time? A. School.

Q. Your father was Mr. Pritchard, of Rochester? A. Grandfather.

Q. A prominent man in business and the Baptist church? A. Yes, sir.

Q. You had good schooling? A. Yes, sir; I had good schooling until I was 15 years old.

Q. Why can't you keep up with the schools here now? A. They put me ahead too fast.

Q. What did they put you in red suit the second time for? A. I got a three-mark chocolate for school; I tried to have it canceled but I got it; there is no use sending it back, because I would get another one if I did.

Q. How long have you been in the red suit this time? A. This is my fifth month.

Q. Ever been punished? A. No.

Q. Health good? A. Yes, sir.

Q. Do you have enough to eat? A. I can't complain of that.

Q. Is the bread good? A. Sometimes it is a little stale and dry.

Q. Good, nutritious bread? A. Yes, sir.

Q. How about hash? A. I wouldn't complain about anything I get to eat; I think the foundrymen ought to get a good ration of hash mornings.

Q. Did you get it? A. Small ration.

Q. Is it good hash? A. Yes, sir; I can't complain of that any.

Q. How do you find the work in the foundry? A. Pretty hard work.

Q. Does it hurt you any? A. I like the trade.

Q. You are able to do the work? A. Yes, sir.

Q. It don't hurt you, don't injure you? A. No, sir; I haven't had any labor reports only one month since I am here; I asked the acting superintendent if he would give me a chance on the job floor; I would like to learn the heavy molding.

Q. It is harder than what you are doing? A. Yes, sir.

David Moses, 3440:

Q. What were you sent here for? A. Receiving stolen goods.
Q. Did you do it? A. Yes, sir.
Q. How long have you been here? A. Four years and six months.
Q. When were you reduced to the red suit the last time? A. Eighteenth of August.
Q. What did you want to say to us? A. I don't think I have had proper show; I have been treated unjustly.
Q. Who treats you unjustly? A. The superintendent.
Q. How many times have you been spanked? A. I think a small number would be twenty-five times.
Q. When were you spanked last? A. Thirtieth of May, 1893.
Q. How many blows did you get? A. Fifteen.
Q. Where were you struck? A. On the hips; I knew enough not to turn my head; I wasn't up here only a little over a month before I had two black eyes.
Q. What were you put in the red suit the first time for? A. Loss of marks.
Q. The last time? A. For putting my name on a petition asking to give us better treatment, as far as the food was concerned.
Q. Have you ever been kicked by anyone? A. No; I have been knocked around by Mr. Winnie going out of the bath-room.
Q. You have never been kicked by anyone? A. No, sir.

Robert Gale, 4645:

Q. Tell us what you want to tell us? A. I have been cruelly treated while at the reformatory; four or five times last June, for once; in the hall there was some newspapers and they got a young man here to prove I had the newspapers; I was chalked in and taken to the bath-room and cruelly treated; I stood against the wall with my pants down, and the third or fourth blow I was knocked on my knees, and I was hit over the head two or three times.
Q. When were you paddled before that? A. In May, 1892.
Q. Did it leave any mark the last time? A. No, sir.
Q. Where were you struck in 1892? A. Not over the head.
Q. When were you paddled before that? A. April 3, 1892.
Q. Struck over the head? A. No, sir.
Q. Were you ever struck over the head? A. Once; that was June, 1893; there is no way of my getting along at all.
Q. When were you put in the black suit? A. First month; I was in the red suit twenty-one months; I can't get along in the trade school; I have failed five times in succession; I expect to go

in the red suit again; I am in the carpenter shop; I work in the hall all day; I fail in the carpenter shop; if I fail two months in succession I go down in the red suit.

Q. What were you sent here for? A. Grand larceny.

Q. Was it true? A. Yes, sir.

John Van Deusen, 3356:

Q. What have you to say? A. I have been here five years; I was sent here for burglary; I will be 21 on the twenty-fifth of next February.

Q. Did you commit the burglary? A. Yes, sir.

Q. What was it, entering a house? A. No, sir; a store; I never had a chance of making a parole; never been in the blue suit.

Q. How many times have you been in the red suit? A. I couldn't remember.

Q. When did you come up the last time? A. Fifth of this month.

Q. Ever been paddled? A. Yes, sir.

Q. How many times? A. I couldn't tell you it is so many times.

Q. Where were you struck? A. Across here, and across my face.

Q. How many times were you struck across the face? A. I couldn't remember.

Q. Most every time you were paddled? A. Yes, sir.

Q. Leave any marks? A. Once; it left a scar there; my kidney, I think, is all gone; I am kind of lame; I am kind of lame in that leg.

Q. Where you were strapped? A. Yes, sir; he never licks you on the left side.

Q. Ever been kicked? A. I was once in the bath-room, and because I wouldn't stand up the keeper choked me so I couldn't get no breath.

Adjourned.

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AFTERNOON SESSION.

Dannemora Prison, November 1, 1893.

John B. Coary:

Examined by Mr. Craig:

Q. Did you write asking an interview? A. I spoke to the secretary.

Q. What is it you would like? A. I would like to speak to you in regard to paddling I got down below there.

Q. Where, in Elmira? A. Yes; I have some marks here; I have a tooth kicked out; I had my gums kicked and there are marks over my head.

George Helmer:

Examined by Mr. Craig:

Q. You wanted an interview? A. Yes.

Q. State what you wanted? A. I would like to know the cause of my being sent from Elmira down here.

Q. We don't know; we are not connected with Elmira; we are simply investigating; I don't suppose anybody here does know.

Mr. Hoppe.—I couldn't possibly know, without referring to the records.

Q. What is your consecutive number? A. Forty-two hundred and thirty-four.

Q. Were you punished in Elmira? A. No, sir; never punished there; I was in the red grade four months.

Q. Then they sent you here? A. Yes, sir; schooling is what bothered me there; I didn't have no education; I couldn't get along in school.

Q. What were you sent to Elmira for? A. I was drinking and I threw a stone at a brakeman; I took a plea; the district attorney told me if I would take a plea he would get me in Elmira.

Q. What is your maximum here? A. Ten years altogether; eight years and two months when I came down here; I have been here a little over a year now.

Mr. Hoppe.—In the first place Helmer had been in the Albany penitentiary before.

Q. Is that true? A. Yes, sir.

Q. What were you there for? A. On this drunkenness charge.

Mr. Hoppe.—In the second place the superintendent was informed by Mr. Rawley, the deputy warden of the Michigan State reformatory, that Helmer was an escaped convict from another State prison, where he had two or three years to serve yet.

Q. Is that true? A. Two years.

Q. How did you come to be sent to the Elmira reformatory; did you tell the court you had never been convicted before? A. Yes, sir.

Q. That is the reason you are transferred here probably; step aside.

Frank King:

Q. You requested an interview; you may now state. A. I will state what I had to state before the reporter.

Q. What did you say? A. I told him the condition I was in when I got flogged down there, and the many times I got flogged; they wouldn't give me no medicine.

Q. What was your number at the reformatory? A. Thirty-six hundred and ninety-nine.

Mr. White.— His statement was a good deal like the statetment of others, and at your suggestion we stopped calling.

Q. Have you any marks on you from flogging? A. No, sir.

Q. Any other marks? A. Covered with scars from the treatment I had under him; I asked him for medicine, and he wouldn't give me none.

William McCarthy:

Examined by Mr. Craig:

Q. You may state what you wished to state? A. I was paddled at the reformatory when I was there only about twenty days.

Q. Where were you hit? A. On the kidneys and on my head and my face.

Q. Have you stated your case to anybody before within the last few days or weeks? A. No, sir.

Q. What was your consecutive number at Elmira? A. Three thousand six hundred and eleven.

Q. How many times were you paddled in all? A. Once.

Q. Were you ever in prison before you went to Elmira reformatory? A. Once.

Q. Where? A. Sixty days at Auburn.

Q. Auburn State prison? A. No; Auburn jail.

Q. Were you in the penitentiary at Rochester, Monroe county penitentiary? A. No, sir.

Q. For burglary and larceny? A. No, sir.

Q. Are there any marks on you of your paddling? A. No, sir.

Joseph Thomas:

Examined by Mr. Craig:

Q. You requested an interview? A. Yes, sir.

Q. What was your consecutive number at Elmira? A. Three thousand six hundred and seventy-seven.

Q. You may state what you desired? A. I wrote it on a paper.

Q. State in short what you want us to know? A. A man throwed an apple in front of my cell, and I got two broom-sticks and tied them together and tried to reach the apple, and a man came in and took the brooms away and got down on me; Mr. Winnie came in and he pointed me out and after we got shackled,

me and the rest of the boys, he says me and Lavery would do our time, but the rest of the boys would go out in eighteen months and some sixteen and seventeen; when I was taken to Elmira a man came in the car and bought us some cigars; when we got in Elmira Mr. Brockway throwed it up to us; said we had a good time smoking cigars, and so on; "You came here in a smoking car, but I will send you home in a palace car, or perhaps a baggage car; put that in your pipe and smoke it;" when I was there just a month Mr. Berthold took me for a marker; he asked me could I do arithmetic; I told him no, but I couldn't do compound numbers, but I could do addition and stuff like that; a man made a mistake in addition and mine was the same as his; he gives me a chocolate report; I took it before Mr. Brockway and asked him to investigate the report; he investigates it and finds I am innocent of the case; then the man uses me for a marker; three months after that I made a mistake in a question, and he tells Mr. Brockway I am not inclined to learn and gets me transferred over to 735, and in 1890, the sixteenth of March, some men halloed for bread in the gallery, and the first man that they pick out is me; I was innocent of the case; he takes me down Monday morning, and don't give me time to explain the case or nothing, but kicks me in the belly.

Q. Who did? A. Mr. Winnie and Mr. Brockway.

Q. Brockway kick you? A. Yes, sir; kicked me in the stomach and broke my ear off; you want to see it?

Q. Who did? A. Mr. Brockway with the strap; he hammered it up against my head; then he put me in a red suit and put me in the foundry; put up an impossible task.

By Judge Gilbert:

Q. Have you any other marks? A. Yes, sir; I have marks of a burn on my feet; I was feed on bread and water for an accident for three weeks.

Q. Were you ever chained in the solitary? A. No, sir; I never was chained, but I have been punished about five or six times.

Frederick Brown:

Examined by Mr. Craig:

Q. What was your number? A. Three thousand four hundred and thirty-two.

Q. State what you wanted us to know? A. I was trying to get along as good as I could at the reformatory and I passed very good examinations in everything and those convicts —

Q. (Interrupting.) What convicts ? A. Inmate officers; through them I was getting reported there often for nothing; for instance, the instructor, I was working as a machinist; he came down and talked to me about work; if I would answer him the officer on the stand would report me for talking to him; I don't believe that was right; after I was getting reports Brockway took me down in the bath-room; he told me to get out the place, and he paddled me; he gave me some raps; after a while I commenced halloing; I couldn't stand it any longer; Mr. Winnie was alongside of me, and he punched me in the eye; I had a black eye; after a while I stood, after another rap or so, and then Brockway — I turned around and looked at him and he hit me over the head with the strap, and told me to get out; he gave me a push and I dropped down, and I happened to get a kick in the side.

Q. Who kicked you ? A. Brockway; I have a mark there yet; I won't positively say it was from the effect of the paddling.

Leonard Brown:

Examined by Mr. Craig:

Q. What was your number in the reformatory ? A. Forty-five hundred and forty-seven.

Q. State to us what you wanted ? A. About all I want to say is to have a chance to be sent back to the reformatory to try and earn my parole, as I am a long term.

Q. How long is your term ? A. Seven years under.

Q. What were you sent here for? A. I was out on parole seven weeks and I was sent back and on my return to the reformatory I was drafted here.

Q. Why were you sent back from parole ? A. I give the cashier a counterfeit bill; a gentleman gave it to me to get change for it, and I gave it to the cashier, not intentionally, though, and the officer that made his headquarters there, two or three days after that, came after me and asked me why I gave the cashier that bad bill; I told him how it happened, and the visitor that came in the museum gave me the bill and wanted me to get change for it and I got change for it; 11 o'clock at night the proprietors found out it was a bad bill; the cashier didn't pay any attention to it; the cashier told the officer about it and he came to me, and I spoke to him about it, and he told me if I saw the man to let him know who it was; he was away a couple of days and when he came back he wanted to know if I had seen the gentleman; I told him I hadn't seen him, and he said he would have to lock me up for a few days, until I could find out from whom I got the bill.

Q. How long were you in the red suit before you were sent here? A. Ten days.

Q. Were you paddled while in the red suit? A. No, sir.

Q. You want to be returned to the reformatory? A. Yes, sir.

By Judge Gilbert:

Q. Were you ever convictetd before? A. No, sir.

Q. Sure of it? A. Yes, sir; I am sure of it.

Paul Werner:

Examined by Mr. Craig:

Q. What was your number? A. Thirty-seven hundred and forty-five.

Q. You asked to have an interview? A. Yes, sir; I want to be sent back to Elmira.

Q. What is your term here? A. I am here fifteen months now.

Q. How much longer have you to stay here? A. Thirteen months.

Q. You wouldn't work your way up; you would be returned to the red suit; wouldn't you? A. No, sir.

Charles Brady:

Examined by Mr. Craig:

Q. You want to make some statement here? A. Yes, sir.

Q. What was your consecutive number? A. Four thousand and ninety-three; only about getting paddled.

Q. Where were you paddled? A. My back and kidneys; my kidneys were affected.

Q. Sure? A. Across here.

Q. That isn't your kidneys? A. The doctor up here said so; I only got paddled once.

Q. Were you hit anywhere else? A. I was hit in the eye once and inflamation of the eye.

By Judge Gilbert:

Q. Have you any scars upon you? A. No; only here; I was inflamed when I came up here; I had to put specks on; I couldn't see.

Q. How long was it after you were paddled that you came up here? A. Over a year; I got let go three times.

Q. How many times were you struck over the head with the paddle? A. Once; I turned around and got it in the face.

Q. How long after you received the blow before your eyes were inflamed? A. About four months.

William Hansen, No. 3758:

Call about seeing men coming from the bath-room dripping with blood.

Max Reiss, No. 5496:

Call to show hit over the head, and that an officer hit him with his fist.

Frederick A. Roeder, No. 4385:

Call him for one blow on the head alone.

Howard Broadhead, No. 4351:

Blows on the head with fist on the guard-room floor by superintendent, and in the bath-room with the paddle on the head full, and Doherty hitting the man; bloody nose.

John McDonald, No. 5604:

Call for blow over the head and for knocking down by Halpin kicking him; also for striking with the closed fist on the guard-room floor and only that.

Charles Black, No. 5535:

Examine as to beating over the head in the bath-room; scars upon his person, and as to the effects of the beating, and generally his mind has been affected.

John Keller, No. 2968:

Call Utter, as to monitor system.

John Wacksman, No. 5403:

Call this man, if at all, to show blows over head on the occasion of the last spanking; to show marks on his buttock, result of first spanking; to show knocking down of La Roe, and drunkenness of the officer.

Henry O. West, No. 3979:

If called at all simply on the inmate monitor system.

Ernest Wiedtke, No. 3265:

Call him to show the paddling of fifteen or twenty men which he saw from the store-room; also the paddling and blows over the head of Trost.

George Brinkman, No. 4630:

Call him to show an improper sexual relation last January, and that he asked to be confronted with witnesses against him and was refused, and confessed after receiving a severe paddling to avoid further punishment; and to show the striking over his head, to show the kicking by the colonel in the solitary after the first paddling, and the day of the second paddling; to show the paddling in May when Murray was paddled and afterwards died. He is a heedless witness. Also, to show a paddle with hand stiching on was used.

Thomas Lumsden, No. 5072:

Call for blows on the head, and kicking and stringing up, blows on the stomach and on the neck.

Walter Wiley, No. 3342:

Call this witness on the affair of last January; improper sexual relations and the exclamations of Hoppe. This man was paddled on Sunday.

Frank Smith, No. 3746:

Call to show sodomy on his denial and witnesses, to show complaint was made against him for revenge.

Charles Beck, No. 4241:

See letter.

Archibald Allinger, No. 4050:

Call him for complaints against inmate officers, and also charges of attempted sodomy and hitting over head.

Harry Newton, No. 4689:

Call, if at all, for blows over the head and inmate monitor system.

James Johnson, No. 4138, colored man:

Call to show kicking, etc., in the paddling-room, and also to ascertain whether his name was on that agreement; whether they properly investigated. When he is called have him show his handwriting and compare it with the paper, if found.

J. D. Johnson, No. 5101:

Call him for the alleged murder.

Thomas Durdan, No. 3256:

Call, if at all, for unjust charge of sodomy.

Victor Kratkey, No. 4900:

Call him about the swelling on his body and spanking during the time the swelling appeared, and call Dr. Wey, and for hitting over head.

Morris W. Mansfield, or Myron W. Maynard, No. 5300:

Call him; refer to Snyder's testimony as to the man Culcher.

Leopold Cohns, No. 2888:

Call this man generally. By this man the punishment book can be proven, and also the copy book. This man was chief clerk on the guard-room floor.

Ernest Herfurt, No. 5804:

Don't call unless there is another letter.

Simeon Beman, No. 4926:

Call him for kicking and for being punished for failing in work; and now under physical treatment and confined in the screen cells three weeks.

Peter Seligman, No. 4356:

If called at all to prove the kicking by the general superintendent, and also the solitary, unless excused on account of endangering parole.

George Morgenweck, No. 4806:

Call Hanning in Auburn prison for statements this witness alleges he made to him.

Make a separate list to call Hanning at Auburn.

William Gartsee, No. 4080:

Call if at all to corroborate Johnson; also, through paddlings.

C. W. Vonner, No. 3261:

Call him to show bad language and ill treatment by Brockway, and go over the cases which he stated on hearsay, inmates here and at Auburn, and see whether they shall be called.

David Settokowski, No. 4432:

Call to show striking over the ear and injury to that organ, and striking over the head.

John Ferearo, No. 5836:

Don't call unless to show cut over the head.

Bias Nellis, No. 4143:

Call attention to this man's case as he may be innocent.

Robert Harrigan, No. 4074:

Call him to show punishment by paddling and kicking by Brockway.

Robert Gale, No. 4645:

Don't call unless to show reduced in grade on account of school.

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No. 1.

Gentlemen.—I give you my correct and true report of the dealings I got in this institution during my two years' confinement. In June, 1891, I got a first-class report for a knife I had stolen on me while working in the shoe shop. I sent it to the colonel to have it investigated and he told me that if I ever should find it he would cancel the report I got. About a month after while cleaning up the shop I found the knife and several other tools. I told the overseer about it. The next morning I sent the report to colonel to fulfill his promise, but he did not, and the report stood just the same. So I went up to see the superintendent about it and he said he would see about it, but I waited patiently every night and never heard from it. He did not let me know if it is canceled or not. He done that twice on me, keeping them and not letting me know anything about it, but I think he kept them to see how I make out in the future. Which was, as I think, now perfectly right; that is all I have to say about that. I was never in the red grade or was paddled here and if I would have minded my own business I would have been home before this. Any inmate that does what is right and minds his own business can get along here perfectly well.

Yours respectfully.

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No. 2.

Elmira, September 26, 1893.

Gentlemen.—I was received here in February 17, 1891, and am here even since, and have the finest record on the outside as anyone

would want. So I state in this letter all my treatment while here, which will be the truth, the whole truth and nothing but the truth. In July, 1891, I was brought down in the bath-room and received a spanking of seven strikes, and in November of the same year three strikes, and was not there since, but I got reports since then that was unjust to me, and I have sent them back for investigation, and always got a chocolate report for lying, which was not so. I would have been home long ago had it not been for those inmate officers. I got a first-class report this month, which is not just, and I want it investigated. I was sent up here to learn a trade and received good education. I received education, but not a trade, to enable me to make a living outside. My character on the outside is being ruined by me staying here, which I look into very much. I think there is too much favoring here. I conclude, hoping you will believe this letter.

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No. 3.

Elmira, 26 September, 1893.

Sir.— I am two years at the reformatory, and in those two long years there was many a day when it came to me very plain that I was in prison. I was for three months in the lowest grade, where inmates are deprived of everything, but I received no cruel treatment of Mr. Brockway. I think he made a better man of me by learning me a trade, and to learn me to obey laws, and unless, and if men at the reformatory ever was cruel treated it was his own fault. I will never forget what I gained and learned by coming to the reformatory.

Very truly yours.

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No. 4.

September 27, 1893.

Hon. Oscar Craig:

Dear Sir.— I take the liberty of writing to you and to inform you that I have been mistreated while in the institution. I am here three years, and have been in the bath-room, I can not tell how many times, but when I came out I could not sleep on my back or sit on a chair for a number of days. It was on account of the inmates that was over me, who gave me the reports. Schooling is my trouble, also. It is impossible for me to pass my examina-

tion. I am on the verge of going in the black suit again, which is on account of the inmates giving me reports.

I am, yours truly.

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No. 5.

September 20, 1893.

Dear Sir.—I have not got much to say, but the few words I have to send you in the line of treatment I have received, I have this much to say: I have been treated as good as can be expected in a place like this. I have asked Mr. Z. R. Brockway one favor and he granted it to me. I asked him to cancel a report for me, as it stopped me from going into the grade, and he cancelled it for me and put me in a blue suit. That is all I have got to say for I can not say anything else as I have been treated very well as far as I have undergone the treatment of this institution, and I think every one else would have received the same if they deserved it.

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No. 6.

Sept. 26, 1893.

Dear Sir.—I can not say anything against the superintendent, as he has used me all right, I have been trying to get along the best I can, and he has always treated and used me A No. 1.

Respectfully yours,

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No. 7.

Sept. 26, 1893.

My Dear Sir.—I have not been used altogether bad in this institution since I came here. Sir, all that is bothering me since I come here is school knocks me out every month since I come here. I have been here now eighteen months and there is no use in talking to the superintendent about it or to the school board. That is all that is keeping me here and I would be very thankful if you would see that I was reduced in school to where I could get along nothing would keep me from going home. Gentlemen, of course I was used a little rough in the bath-room once which had not ought to be done to a man of my age, 28 years old. Of course the food ain't very extra for a man that works hard like me in the fire-hole, taking of boilers is hot work.

Yours sincerely.

No. 8.

Elmira, N. Y., Sept. 26, 1893.

Dear Sir.— Seeing that you wanted the truth from every man here I thought I would send a slip in although I have been treated good while I am here, I have never went to far as to get "paddled," as they call it. The superintendent has been very good so far as I can see. Of course a man will make a mistake in this place as well as anywhere else. I have been down to the bath-room, but never was spanked, and I think I can keep away, and if school don't bother me I will soon enjoy liberty. I do not expect Mr. Brockway will feed me with a silver spoon, but I will try and do the best I can, and I know he will help me as any other man that tries to make an effort to get along.

Yours truly.

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No. 9.

Sept. 26, 1893.

Gentlemen.— As this investigation has taken place I consider it my duty to inform you concerning myself and briefly a few others which I am willing and take my oath to that which I tell you. First, myself, I came here December 4, 1889, for forgery, and in April, 1890, I was 'tis true, getting tobacco from an inmate in charge, Dinsmore (?), building, and at the time, I had charge of men carrying irons from hollow-ware chapel. He told me to watch when I was going past there and he would give me some tobacco. I done so and he told me he would hide it in a hole beside the building, which is about ten feet from ground. I went over there to get it about 9 o'clock in the morning when all the guards were on the wall, and I told this man named Chamberlain I would never say anything, and under this promise he was giving me tobacco. I would not tell about it, and they said I went over there, and I refused to tell anything, and they told me they would fix me, and they put a large iron on my leg and put me in the red suit; since then I have always had (?) a large daily task, and if ever a man is ever telling you the truth I am. I had no more thought of trying to escape than you have thoughts of flying. I gained my promotions to the first grade however and (?) I did get a record which he could not hold me over for anything else; he held me over from the board and made me do three years and seven months for something I was innocent of. I have been here nearly four years and I have seen many cruel deeds which Brockway is guilty of, and I have seen men carried out of the bath-room

after being paddled that could not walk. I was hall man and used to watch and listen when he was paddling, and I have seen men taken from the bath-room the blood dropping from them, and many the time I have had to clean paddling-room up after he had paddled men. The papers don't tell half the cruelty which is carried on, for if ever a man was ever guilty of murder it is that Mr. Brockway. There is a ring, so to speak, which numbers five, Mr. Brockway, Claude, Bryan, Woolley, who was once an inmate, and Bush, and the food is terrible. I think men of your stability is capable of looking into this institution and see that which has been built up by corrupters if outrageous. I would greatly desire a private interview with yours. I am in the highest grade and have a few important things I wish to state briefly, personally to you gentlemen. Excuse writing, as I write this in haste.

Yours truly.

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No. 10.

Dear Sir.—I have been here seventeen months, and when I was in the red suit about a year ago I burnt my foot while at work in the foundry, and when I told the doctor he said that I did it on purpose and then chalked me in room 652 and had me fed on bread and water for eighteen days, when I had proof that I burnt my foot accidentally, and I can still show the scars of the burn on my foot yet.

Yours respectfully.

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No. 11.

September 26, 1893.

Hon Oscar Craig, Chairman:

Sir.—I am, and have always been treated perfectly justly in every shape, manner and form, and have no fault whatever to find with the management of this institution.

Very respectfully.

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No. 12.

September 26, 1893, New York State Reformatory.

Hon. Oscar Craig:

Chairman of the investigating committee, appointed by the Society of Charity and Correction of the State of New York.

I hereby pray that I be called before your most honorable committee, that I may testify as to the opportunities that have been

placed before me, and that I may also testify as to the honorable treatment I have received at the hands of the present management, and would further state, if it would be of any value to your honorable committee, I have every communication I have received from the official since I have been here (July 2, 1892), and can produce them if you should like to look them over. Gentlemen, my object in this is to help the institution, in any way that may be in my power, for only a man that has been in trouble can ever know the true value of such a place as this.

Your humble servant.

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No. 13.

What is to prevent the reformatory officials from opening these letters, read them and then place them in another envelope. This means is a farce.

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No. 14.

September 26, 1893.

Gentlemen.—I give you my true report, hoping that you will have confidence in it. I had three nines and the last month (last April) before the board I got the eight and he did not give me the board. I don't see what is the reason that he didn't He sends men home with two nines and I don't see why he didn't send me. This was last April and I had four nines for July board and I did not get it. I think there are too much favoring and all is supposed to be the same in here, but they ain't and this is my first nine, hoping that I will get some show for my liberty.

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No. 15.

Mr. Craig:

Sir.—I have been here three and one-half years and consequently have a great deal to say, in fact, more than I could possibly put on this paper and state clearly to you my case of the injustice I have been subjected to while here. So will ask for a personal interview, as you assured the member of A class to-night, "that all desiring such would be willingly granted." By complying with my request you will greatly oblige,

Respectfully.

No. 16.

26, 9, '93.

Mr. Craig:

Sir.—I am here four years and a half. There is no reason why I shouldn't have had a parole. I was compelled to work in an iron foundry in a sickly condition; I was taken to the bath-room, spanked, kicked and jumped on. I was a strong, healthy man when I came here. I have been refused medicine for the torturous disease I have got. I have laid in my cell unable to eat or sleep with pains. I have learned no trade. While I was able to work I worked at productive labor. I wrote a letter to my people telling them of my sickness, stating in the letter that the authorities here would not administer the proper treatment for it. The general superintendent refused to let the letter go. He said it was improper.

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No. 17.

Hon. Oscar Craig:

Sir.—I have been confined in this reformatory near twenty months; I have never had any trouble here, and I expect to earn a parole. The superintendent always treated me right. Hoping to be successful, I remain,

Yours respectfully.

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No. 18.

Hon. Oscar Craig:

Sir.—I have been here near two years. I was twice in the red suit and paddled once. My severe treatment has come from the hands of inmate monitors. I am in the blue suit, and if I can not make a parole please have me transferred to a State prison.

Respectfully yours.

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No. 19.

27, 9, '93.

Hon. Oscar Craig:

Dear Sir.—I have been here four years and five months, and I can safely say I have not been treated justly. I have been beaten about twenty-five times over my body, which, for nights, I could not go to sleep, and when I would ask for justice the only answer I could get would be, "I will give you justice on the other side."

Since I have been here my poor mother has died. They would not give me the letter stating that my mother was dead until sixteen months after, when I was promoted to the lower first grade. I have been punished for things which I have never committed. There was times when I could not work, I was so sick, but I was compelled to go to work or take a spanking. Whatever I am writing is the truth. On the 20th of May, 1893, I was taken to the bath-room and there I was told to take my clothes off, and there received fifteen cracks over my hips, and then sent out to work. I have asked only for justice, but it seems if I was being treated worse than a dog. I am fed on water and bread five days out of the seven. I don't forget that I am in prison, but I think I should be shown some respect, for what wrong I did here I don't think I should have been here now. Enclosed you will find some notices I got. You would greatly favor me by destroying these as soon as you read them, as I know the result if they get in any one else hands; it would mean death to me.

Yours respectfully.

P. S.—If you wish to see me as regards to what I wrote you can.

(Five inclosures.)

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No. 20.

Wednesday, September 27, 1893.

Dear Sir.—I have been trying to get out of this red suit for the last two months. My dear father was up to see me in July, 1893. He was crying terrible, and told me why I don't brace up and get home to my dear sister and mother, who have not heard from me so long. I told him that I would try and get out of the red suit in August. I went up and spoke to Mr. Brockway, and asked him if he would give me a show in the black suit, that I would try my best to stay in it, as I have told my father when he came up to see me. But Mr. Brockway did not take me out. So I said I would try this month, as I have been doing. I have, up till now, forty-five cents in demeanor, which I hope is all I get this month. I will end my letter, hoping that I will succeed.

I remain, yours truly.

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No. 21.

Elmira, the 26, 9, '93.

Dear Sir.—You ask me how I have been treated. My answer is, cruelly. I can not express on paper how cruelly the superin-

tendent treated me in the bath-room in June, 1892 I had a battling in the bath-room that I could not sit down for several days. Only a few weeks ago he took me in the bath-room and gave me a beating I shall never forget. That was on the charge for laughing at an officer. The food we get is not good enough for a dog. Now look back. We have to work eight hours in the shop, two hours for trade school, one hour D. B., that makes eleven hours every day, and what do we get, bread and water all year around. And if the reports or to something wrong, or break something in the shop the superintendent says carelessness. He takes you in the bath-room and says take down your pants and then you get. Then sometimes he'll say I'll kill you right there if you do it again. And if your answer is not satisfactory to him he will spank you till you faint, and when you fall on the floor he will jump on you, then, after a while, he take you out the night (?), put you in the hospital or back to your room, or sometimes right out to work, and Colonel Bryan Doud (???), this institution only for him I would been home for some time. If we get a report unjust, send it back, have it investigated, you will always get (?) a chocolate report for it of denying it. He won't take a man's word. If the officer puts down any lies he believes it, and so we never get our just (?). And if you get a chocolate report in this manner the superintendent will give you no rights whatsoever, but spank you in the bath-room. It is a most barbarous treatment I have received and many others I know.

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No. 22.

26, 9, '93.

Gentlemen.— The complaint which I wish to make will follow what I wish to state first, namely, how I came to be reduced from the first grade to the third grade.

One Tuesday morning, the seventeenth of August, an inmate was caught stealing alcohol from the citizen boss' cupboard in the pipe shop, of which he and I are floor men. How I came to be charged with assisting him is as follows: Mr. Porter, the citizen boss, left the shop for some purpose. This inmate watched his opportunity and went into the office and took some alcohol, the cupboard having been left unclosed through carelessness. Just about that time, I was coming up the shop, the floor which was muddy (it was after being sprinkled), until when opposite the office, I was stopped by one of the men, who wanted to see me about his work; while I was talking with this man Mr. Porter entered the shop and came up towards the office. I was facing

him and saw him enter. When he was about ten feet away from me, the man got through speaking to me, so I left him and entered the room just off from the office. But before I entered I kicked the mud from my shoes against the partition. Mr. Porter saw me, and as he had cause to suspect that something was wrong (he having caught this same man stealing some tobacco from his cupboard only a week before), went into the office and caught the man with the stolen alcohol in his hands. He sent for the principal keeper and had us both locked up. I don't know what Mr. Porter told Colonel Bryan, but he told me that he had just told the colonel that my kicking against the partition drew his attention to the office. I wasn't given a chance to prove that I knew nothing of what was going on in the office, but had kicked against the partition thoughtlessly, just as I would have kicked against anything else that was in my way, to get the mud off my shoes, but was reduced to the third grade at once. The man who stole the alcohol told the colonel that I knew nothing about it and, in fact, would not have taken it if he had known I was anywheres near the office at the time for fear I would have reported him, we being bad friends at the time. But the colonel didn't pay any attention to him and gave his opinion to the superintendent, and had me reduced at once. When I received the report for this charge, I returned it for an investigation which I demanded, but instead of having it investigated I received another first-class report for unsustained denial. The next Friday evening I went to the superintendent and told him how the case stood and he said he would refer it to the colonel again. The colonel had a private interview with Mr. Porter and then sent for me. The outcome of it was the same. I spoke to the superintendent again and asked him why I wasn't brought face to face with my accuser. He said he thought I had been and referred it to the colonel again. By that time, after delaying the investigation and putting it off from day to day, Mr. Porter had left the institution, so nothing more could be done and I couldn't be brought face to face with him. I saw the superintendent again and asked him to send the colonel into the shop so that I could explain the whole situation to him. He said he would. A few days after the colonel came into the shop and I explained everything to him. After I was through, the colonel said he would have a talk with the superintendent about it. The next Friday evening I went to see the superintendent again and he said he hadn't had an opportunity to speak with the colonel, so I must wait until he returned from his vacation. After the colonel's return, I saw the superintendent again, and what was the outcome of it? Monday afternoon I was called over to the

colonel's office and with him were the school secretary and principal keeper. I heard the colonel speaking about me for a while and then I was called in. I explained the case and was sent back to the shop. That was supposed to be a court-martial. Nobody to prosecute or make the charge but the colonel; no witnesses for or against me. Do you think that was a fair and impartial trial? What was the verdict? If I was acquitted I would have been restored to the first grade. As I wasn't I presume the verdict was against me. Why, certainly, it was. In the nature of things it would be. Only one of the court didn't know anything about the case, and he wasn't given a chance to hear but one side of the case. Why wasn't the witness, the man who was really guilty, allowed to explain the case? The whole of it is this: the colonel was prejudiced against me from the first or I would not have been reduced at all. Another thing; Mr. Porter, himself, told me what he told the colonel. Monday afternoon I heard the colonel making a different statement altogether. The words were so twisted that the case had an entirely different appearance from Mr. Porter's original statement. Whether the colonel was mistaken through having forgotten what Mr. Porter told him or made the wrong statement deliberately to prejudice the others against me I don't know. But the proceedings were very curious indeed. The colonel admitted that there was only that one bit of evidence against me, that is, Mr. Porter saw me kick against the partition, which I admitted at once, and on that he expressed his verdict. Isn't that a farce on the face of it from beginning to end? I am positive that with a fair and impartial trial, I could acquit myself of the charge. But how I am to get it, I don't know. So there is my complaint. The men here don't get a fair investigation. If the colonel is the least bit prejudiced against a man, his influence with the superintendent is so great that what he says goes. If these star chamber proceedings were done away with, we would get along much better, also if the superintendent would look into these serious cases a little more himself, and not depend on the colonel's word so much. I am in this institution three years. What punishment I received up to this time, I deserved. I haven't anything to complain about that. But if I could only get a fair trial. It involves a great deal to me. It is a matter of another two years' stay here for me. This is all I have to complain of, but if you would kindly grant me a personal interview you would greatly oblige.

Yours respectfully.

No. 23.

Dear Sir.—I don't get treated the way I ought to get treated for simply one reason. I have got a poor grandmother that is dying at home, and I am not allowed to write home or receive a letter. And I would like to express one more important thing, and that is this, I have been cruelly treated while I have been here. I have been spanked with a big strap across my body three or four times and I have been injured from the effect, and if you don't believe it I can prove it by showing my injury that I received from it. Now, there is one more thing, if I lose two or three marks in reports I get a spanking, and every time I get spanked I am sick for a week or two after it, simply because I am injured, that it affects me so. Now, I would like to tell you that I try in every way I can to get along in this place. I study my lessons and try to keep up with the rules of the reformatory, and also I respect my fellow men and everybody else. I did not like to write this note in regard to hurt anybody's feelings. But you gave me the full permission to do so. So I hope it will not hurt me in any way, which you said it wouldn't. This is all I have to say.

I am, yours truly.

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No. 24.

Elmira, N. Y., September 26, 1893.

Sir.—I thought I would write and tell you what I know. This is my second time in the red suit, and was to the bath-room but once, but was let go, so I do not know how the men get treated while they are in there. But I have saw men come out of the bath-room with their eyes and faces black and blue where they were struck with the strap. But I can say that the men in the red suit get treated like a dog. The day that I was to the bath-room the superintendent gave me a few punches in the face and let me go, but I thought he was going to kill me. He acted like a crazy man, and I think that a good good many men die in here from getting spanked.

Yours to command.

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No. 25.

26, 9, '93.

Hon. Oscar Craig:

Sir.—I have been paddled once, on the 18th day of March, 1892, for asking the man that locked (?) in the next room to me. He give me five raps for it. On that day of March, the eighteenth, I

saw Sample, the store-room keeper, knock a man down and kick him in the ribs, hit him in the face, the blood was all over his face, where Sample hit him. One day the superintendent had a man down there in the bath-room, he bruised his face so that they put his coat over his head and let him down to the solitary, kept him in the solitary for two days. He had an awful face on him. All last summer he would paddle men and bruise their faces. I have not said much, but what I have said I will take my living oath every word that I have said is the truth. Excuse my writing.

Yours truly.

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No. 26.

27, 9, '93.

To the Hon. Oscar Craig:

Sir.—I am not a kicker nor a grumbler, but I like to have justice done me. I am here very near two years and a half and don't think I deserve it. I went before last January's board and was paroled for April. But during the month of March some visitors came here and went through the foundry and gave one of the boys there a piece of chewing tobacco. I was messenger there at the time and the man who got this tobacco gave me a chew which I accepted. Nothing more was said about this tobacco till some ten or fifteen days later when a man in the foundry went and told Mr. Halpin, who was here at that time, that he had seen Nolan get this tobacco and give me and some of the other boys some. Mr. Halpin called some of the boys whom Nolan gave this tobacco to and asked them if they received any tobacco from Nolan which, of course, they denied. The result was they were put into the solitary cell until they confessed it. I was called up and Mr. Halpin said to me, "I want you to tell me the truth about this and I'll see that you don't get no more than a chocolate report, probably not lose your parole." I admitted to him that I accepted a chew and nothing more was said to me till three days after I was chalked in and put into the red suit. I wrote and asked to see Mr. Brockway, but it was denied me. I don't see why he should reduce me to the red suit for a chew and leave other men who held higher positions of trust in the blue suit when they were found with a plug in their pockets. I can name several men that are here and several that have gone home who have been caught with tobacco and nothing more was done but that they received a chocolate. I wish you would please give me an interview as I could explain it more better and clearer to your satisfaction.

That was my second time in the red suit. I got out of the red suit last July and have been trying to get along ever since, but it seems everything is against me. I earned two perfect months since then, but the first part of this month one of the officers came to my door and said I was throwing bread out of the door and abused me so that no man (were he a man) would stand and I answered back rather hastily and now I am reduced to the red suit again in which I must remain a year. All I ask is I wish you would please give me an interview so that I could explain it all to you.

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No. 27.

Wednesday, September 27, 1893.

To Hon. Oscar Craig:

Dear Sir.—I am glad for to get a chance to tell you how I have been treated since my eight months at this reformatory. This small piece of paper could not hold all I have got to say. The first time I went down to the bath-room to get spanked or paddled as they call it up here; I got ten lashes across the kidneys in my bare skin. I was fainting, but the general superintendent would not stop nor have any mercy on me nor anyone who gets down there. I did not do anything wrong that I should have got paddled; a note was throwed at my working room for another man, and because it was found at my bench I was put down for it. I was taken before Colonel Bryan, but he would not believe me nor one word I spoke, for if I could prove it—it was all the same thing. Nobody gets any justice in this place for one-half of the inmates would sooner do their time in State prison. Here is two three-mark chocolates I got after getting spanked.

(Two inclosures.)

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No. 28.

Elmira, N. Y., September 27, 1893.

Sir.—I have nothing to say about this place except this: I was out on parole for nearly six months. I was fetched back and put in the second grade. I was fed on one meal a day for five days. They did not send me any molasses for about fifteen days. I had a perfect record before I went out, and had a good record on the outside—was working every day. Please look a little deeper in my case.

No. 29.

Elmira, N. Y., September 26, '93.

Mr. Hon. O. Craig:

Dear Sir.—I have nothing to state or write to you. I am treated as I ought to be. I find no fault about this place at all. I have nothing to complain. I have a few things to say which is very important in regard to my imprisonment, which I can not state in this letter. I should like to have an interview with you, and then I shall be able to explain better than by letter. Gentlemen, if you do not object to me having an interview with you I shall be very much obliged to you. As I should rather have an interview with you, as I should like to see you on a very important matter. Hoping you will please grant me this request, I remain, yours sincerely,

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No. 30.

September 26, 1893.

Mr. Craig:

Dear Sir.—I am not allowed to write home or receive any letters from my mother. I have not received a letter from my mother since last Christmas. I don't know if my mother is dead or not. I am in the second grade. Get no tea, but cold water, bread, molasses and a small ration.

Respectfully.

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No. 31.

N. Y. S. R., 9, 26, '93.

Dear Sir.—As I know you will investigate what you find out I kindly ask you if you will look into my case. I am in second grade, and as I heard the superintendent say he cancels all the reports he thinks is wrong, I kindly ask you to look into the reports I got for a simple slip of the tongue on August fifteenth, when coming from school. A boy spoke to me on the gallery and a lieutenant asked me my number, and I told him a wrong number, and it was too late when I realized what I did, I told him; that report knocked me out. I wrote to the colonel the next day for an interview, but I did not get any. One week after I got brought before the boy who was talking to me, and I told the colonel I was not talking to him, but he was talking to me, which, as God is my judge, is true. I got reduced to the red suit and got a three dollar for lying to the officer, and one-dollar report for asking him to not send it in, and a thirty-cent report for talking. Sir, do you

think that is justice ? Four dollars and thirty cents for one little mishap. I have got a poor mother who I have been away from some time. I am here for neither stealing or lying, but for a misfortunate occurrence, which you would recollect at once if I desired to recall it. My father died while I was in the Tombs awaiting trial, as I was there a long time. As I am the only one left to look after a poor mother and five small children, I kindly ask you if you think it is justice for me to get such a big report besides being reduced to the low grade. I was never punished, which I thank the superintendent for, and I have been treated very fair all but them reports. I am perfect in everything else. I think them reports should not stand against me. I have suffered quite a lot, thinking of my poor mother and little ones at home. I got severe reports I did not deserve and still I said nothing. Of course some of the boys suffers very much. But I thank God I will do all in my power to get out of this grade soon. I kindly ask you if you think it is justice to give me them reports for the same thing. If you will notice, sir, I got the three on the one day, still they are dated wrong. It was on the fifteenth I received them, and it was the twenty-first I was before the colonel, so you see I received all on the twenty--second and got put in this lowest grade. The following is a description of the reports:

August 15, p. m. Fined one dollar for saying please do not report me. Just knocks me out when told you was reported for talking coming from school.

August 15, p. m. Fined three dollars for giving the name and number of another consecutive instead of your own, which proved to be the right one.

August 15, p. m. Fined thirty cents for talking to Kane, 6074, coming from school.

Sir, if you think I was justly fined and placed in this suit I will willingly stand all the punishment I deserve, but I think I was not judged fairly. I wrote to the colonel the morning after it occurred for an interview as I wanted to explain it all to him, but he gave me none. I am trying to earn as much as I possibly can, and I think if the superintendent does as he said, he should cancel the four dollar reports, as I got no interview or anything about them. The colonel gave me the reports and said he would try to save my grade, but he did not even let me see the superintendent about it. He went in and came out and got me this suit of red. I apologized to the colonel the next morning, and told him I was very sorry for it, but it was of no avail, and, sir, now as I end I kindly ask you to look into it and see if I was not misjudged. The three reports, four dollars and thirty cents, I got

for the one thing and from the one officer. Hoping you will look into it, I remain, yours respectfully.

Sir, I was never a thief or liar or never took a penny of anyone in my life. I am here for a sad misfortunate case, which I don't like to recall, but if you desire to get my character as to honesty and truthfulness I can refer you to the judge who sentenced me or to my employers, the American Bank Note Company, 76 Trinity place, New York city.

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No. 32.

September 26, 1893.

Hon. O. Craig:

Dear Sir.— The complaints I have to make are as following: Last December the instructor in the clothing department showed me to do the work a certain way, a few days after he said he did not, so he told the officer in charge, and I was sent down to the superintendent where I received punishment and was reduced to the second grade. On every occasion I made a mistake I received a first-class report while another man received only a labor. I stood in the second grade till June. After a few days the instructor came back from New York; he looked at me for little while and then said he did not show me to do the work like this. I certainly told he did show me this same work like it, but he said not, and I received a first-class report for lying, and one for refusing to do the work, because I said I wanted to show it the principal officer to come to my right. I could have proved the same by other men who were doing the same work as myself, but he said he does not believe them. The next month he said I spoiled a coat, and I asked him what was spoiled on it. He said never mind, you will find out on your report. Please will you investigate this and see what you can do for me.

P. S. I am now the second time in the second grade.

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No. 33.

Sept. 26, 1893.

Dear Friend.— I write you this few lines to let you know what got done to me in here. He took me in the bath-room and spank me for fighting and said to live on bread and water for four months, and the hash we get is not fit for dog and soup we get is not fit for a pig. A man could go round street and get better eating than this. A man come in his room from a hard work and

get bread and water when he is in red grade and every report a man get and get put in the bath-room and get spank for one report if a man is sick and lay in his room till the doctor come to see you and he tell you you are not sick and send you out if you are half dead.

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No. 34.

N. Y. State, Sept. 26, 1893.

I write these few lines to ask why the reason is that a man in a red suit lives on bread and water, and has to work in the foundry while a man in the blue lives better. But I have not anything to say about myself, but as far as I have seen, the bath-room is a very tough place to go. I have heard that they carry men to their rooms.

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No 35.

N. Y. S. Reformatory, Elmira, N. Y., Sept. 27, 1893.

Dear Sir.— As I have nothing to say about myself but what I heard as long as I am here Mr. Brockway has lick men so bad they had to be carried in a blanket to their room and live on bread and water. There is men that works in the foundry ought to get the best to eat. They work hard, and also good bed to sleep on. You know yourself you could work with bread and water every day in the week. When once when he gets you in the bath-room he hits you across the kidney (?) so that he will almost kill you. The straps that he lick a man with is about three inches thick. You ought to go around and see the red-suit men behind and you will find marks on their seat. I can show you plenty of men that got a spank of Mr. B. and they will tell you enough of it. They will have the place clean when you come around. If Mr. B. was kept out of this place the men would get along better. You must excuse my writing. So good-bye and good luck.

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No. 36.

Sept. 26, 1893.

Mr. Craig.

Dear Sir.— When I first was sent to this institution I had a bad case of gonorrhea, and I went to see the doctor about it. I was put in the foundry to work and I went to see the doctor about it, and told him the work was too hard for me. He told me that

I was a fake, and that the reason I could not do the hard work in here was because I was bum outside. I told him I was just as used to hard work as anybody but that it was the disease that was pulling me down. He only laughed at me. I went to see the superintendent about it, and told him I would not like to work as a molder outside, and he said that he did not give a damn whether I worked or not after I got out of here. The foreman in the foundry comes there drunk some morning and then comes around to your bench and as I was not able to put up as many molds as he thought I ought to he told me that he would have me sent down to the bath-room and after I had been there a few times he thought that I would put up more molds. I am not over it yet, and do not expect to be while I am in here.

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No. 37.

September 26, 1893.

Oscar Craig, Hon.:

I have been in this institution six months, and have always been treated right, so that I have nothing more to complain about, for I mean to do what is right.

Yours respectfully.

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No. 38.

Elmira, N. Y., September 26, 1893.

Dear Sir.—In making my statement I can say, as far as Mr. Brockway is concerned, I have been treated fairly good. This is my sixth month here, and I would be going in the upper first grade only for my dumbness in school. I think if everybody would mind their own business there would be no trouble in getting along here.

Yours truly.

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No. 39.

Hon. Oscar Craig:

Dear Sir.—The following statement is a true and correct account of the treatment received by me during my imprisonment in the N. Y. S. R. I was received here January 28, 1893, under a maximum sentence of ten years for forgery. I was sentenced by Judge Fitzgerald, of New York city, who stated in his remarks that, "Owing to the strong plea that had been made for a suspension of

sentence by the prosecutor, and the district attorney being neutral, coupled with the fact that it was my first offense and that conclusive evidence had been offered to show that I had been of good morals and had always contributed to the support of my family from my earnings, that he would not do me the injustice of sending me to State prison, where I would suffer the degradation of loss of citizenship, etc., but would send me to a place where I would be well treated and would be able to secure my release in comparatively short time." Upon my arrival at this institution, after passing through the usual preliminaries, I was assigned to the awkward squad to be trained in military tactics. The squad was under the supervision of inmate officers, and I was there repeatedly assaulted by being slapped in the face, struck with the fist and butt of a gun, and in various other ways, and was, at one time, fearful that I had suffered permanent injury by being kicked with the knee in the abdomen while suffering from bleeding piles, all of which was known to the inmate in charge, and I was warned not to report the offense, by noting the additional harsh treatment accorded to men in the squad who were imprudent enough to make complaint. After three weeks of squad work and shoveling snow in the yard, I was assigned to the editorial department as assistant editor of "The Summer," where I served three months and fulfilled my duties to the satisfaction of the management, I have every reason to believe. During this time I can only say that which is commendatory of the institution and the management. I can not say why, but for offenses which I am now reported, I was never reprimanded. It is, I believe, understood that men working on "the floor" are practically exempt from reports by inmate officers. I do not know why this is, but it is true. During the eight months which I have been here I have only been reported three or four times by citizen officers. After three months' service in the ed. dept., I very imprudently cut a page of the New York "World" (having access to newspapers, sanctioned by the management), containing three nude figures, reproductions of three paintings placed in the Chicago Exposition. I exhibited these pictures to an inmate (only one) and was apprehended. When charged with the offense I immediately surrendered the picture, and upon being searched there were some clippings, etc., found upon my person, which were declared to be of an obscene nature, but they were all taken from the daily papers, and I can not positively say as to their character for I had not read them entire, my duties not permitting me to read promiscuously, but I did intend reading them at my leisure, which was a privilege granted me by reason of my position. There was likewise a paper found in my pocket that

pertained to some fraud in examination, but I was never given an opportunity to disprove the charge and can not say what the purport is. For the foregoing I was reduced to the second or red grade, deprived of my position, and received a terrible flogging, the scars of which remain on my body to the present time, and when I essayed to cry out while the flogging was being administered I was choked to almost insensibility by a keeper who held me. After the flogging I was placed in solitary confinement and given a portion of hash and bread and molasses once a day each for eight days, suffering intense agony from my lacerated back, and the degradation and humility which I had suffered, and which I shall never be able to efface from my memory. I have likewise contracted a specie of bleeding from the throat at intervals upon the slighest exertion, and when I complained to the doctor he accuses me of being an opium smoker, etc.; I have, in addition to the foregoing, lost all of the time that I have been here, and will be forced to stay at least six months longer, and that with an additional perfect record. My parents are in need of the assistance which I have rendered them since I first began to work, and I am positive that the fact of transgressing the rules of the institution in the manner aforesaid should not be evidence of my total depravity, as stated by the superintendent. I am prepared to make personal statement and beg a hearing if the committee see fit to consider my complaint a sufficient warrant.

Very respectfully.

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No. 40.

September 26, 1893.

Dear Sir.— I can not truthfully say anything for or against the institution as regards to my treatment, but I think the food is sometimes rather poor, but perhaps it as good as given in other places of the same nature. I have always been treated by the superintendent fairly, I think.

Yours respectfully.

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No. 41.

Elmira, September 26, 1893.

Hon. Oscar Craig:

Dear Sir.— There are only two things that I can in any way complain about; they are:

Firstly, That the food furnished to the black and red-suit men is very bad.

Secondly, That the power of reporting inmates given to the inmate officers should be done away with or modified to a great extent, as the majority of them are mere boys ranging from 17 to 20 years old, and they greatly abuse the trust placed in them.

Yours respectfully.

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No. 42.

Dear Sir.—I have been used well while I have been here. I do not believe in this talk about cruelty to the men.

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No. 43.

September 26, 1893.

Mr. Craig.—I have had experience in the reformatory to which you refer. I think if a man was punished as he deserved he would live along in the reformatory all right, but when the superintendent takes a man down to the bath-room he has no mercy upon him. I was taken down in the month of March and was beaten so severely that I could not sleep for more than a week. I do not propose to say that I did not deserve punishment, but I do mean to say not in the way I received it then. Otherwise the discipline is very fair for a man who has a long sentence. But for me I would sooner have been sent to State prison and served every hour of my sentence than to have got that beating. When the superintendent takes a man down he may hallo for mercy, but he will beat him the more for it. He has two or three men from the city there to hold a man, and then he flogs away, and then the man is sent to the hospital and he is in luck if he comes out of it alive.

Sincerely yours,

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No. 44.

September 26, 1893.

Dear Sir.—Since my admittance to this institution, I must say that I have received justice in every form.

Yours respectfully,

No. 45.

September 26, 1893.

Dear Sir.—I take this opportunity to inform you that the food in which we get is not fit for pigs to eat and every day we work hard for it. It would be all right to men to eat it that did not know what it was. Us men in the foundry, when you have passed, thought, no doubt, you have see how we work. If they would be a change of food we would get along nicely. Why, the superintendent can't expect men to work hard and get the food they get. I can't say much against the superintendent, for he gave me a show when I was get reports to lost many a dollar. He said try again. He only spank me once. I ain't got much to say, but there is one thing in which I have to say, if there don't be a change of food in the foundry all the men will drop (?) some day. We are in prison and the superintendent had a right to let up on us a little, but no; work until you are confined to your bed and that is all about it. No one knows what done it then.

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No. 46.

September 26, 1893.

Dear Sir.—I have been in this institution almost three years and below I will endeavor to give a brief account of what I have been doing. On my arrival I was placed in the neutral grade where I remained two months and was then reduced to the red grade justly. But, after I was in the "red" grade I was treated unjustly for something over eleven months. During that time I was taken to the "bath-room" for "physical treatment," at least four times. The first time I was taken there was for a chocolate report for tearing my shirt, which was a lie. The other three times for getting enough reports in a month to lose a mark. At the beginning of each month I received a "bath-room" notice like these: "You must now make a better record or get into trouble; you are now in the red grade where physical treatment is sometimes applied." General superintendent (O. K.) "If you get enough reports this month to lose a mark I will spank you." "Since your reduction you have many reports. Take notice, when you get reports enough after this date, this month or next month to lose a mark I will spank you again." If you do not believe these statements I can show you the notices. I remained in the black suit four months after restoration and was getting along pretty well, when one day our inmate monitor said I had refused to work, when I was "chalked in," without having a fair chance to prove my innocence. In the afternoon, I was

taken to the "bath-room," where the following conversation took place between myself and superintendent. He "refused to work," no, sir; he "but you did not go to work, get over there and take your pants down. I'll learn you to do as you are told, red suit." I was whipped until I was hardly able to walk, when I was taken out and thrown into a cell, and about a half hour after had to go to work. I remained in the "red suit" until last Christmas when I was restored to the neutral grade and have ever since been getting on very well. If competent and just men were placed over us instead of some of the officers (citizens), and if all inmates were placed on a common level, it would (in my opinion) do away with a great deal of the injustice which, at present, prevails; for instance, a man gets a report for talking or laughing which he does not deserve; he sends it back to be investigated. The colonel who investigates the reports asks the man whether he was talking; he says, "No." "Did you see this man talk?" "Yes." "All right." The next night the man gets the report back marked, "Stands, Supt.," with a chocolate for denial of true report not sustained. Do you call that just? I could relate other instances but have not room.

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No. 47.

Sept. 26, 1893.

Mr. Oscar Craig:

Dear Sir.—As I am not a fault finder and generally put up with what I get I will state what happened me. I entered here on the 17th of December, 1890, soon after reduced to second grade, and for sixteen months seldom went a week without going to the bath-room some times twice a week and three times. I have stood by the window and received blows on the head and face if I moved my head or stirred from the position I was first placed in. I have been paddled with a hose and strap both, and on some occasions so that I could not lay on my back nights, and have carried the marks until I went down, and all on account of the inmate officer. I don't remember ever going down and being spanked for a citizen officer; the inmate officers will report a man for revenge or because he don't like the looks of a man, and they often report men when they don't deserve it. Not, my dear sir, you must not think that I mean to say that I never deserved any of this. I did deserve some and some I did not. I have never received a pounding such as some of the toughs get who go down and fight back. I remember a colored fellow by the name of Adams who was pounded one day when I was down for

a spanking, so bad that he was reported dead the next day. I know he got a terrible brutal pounding, but deserved it, but I am not sure that he died from the effects. I think that everything that has been done to me here is for my own good, and I have no one to condemn on my own opinion except the inmates over inmates. I think that is going too far altogether.

Yours respectfully.

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No. 48.

Sir.— I have no complaint to make against anybody. But I take the liberty of offering a few remarks on the system, which, I hope, you will not look on as presumptious. During my short experience here I have concluded that it is not a very good plan to put authority in the hands of men who have once fallen from honor — as they are, as a rule, brutal and tyrannical in its use. Secondly, I believe that the military part of the discipline ought to be wholly abolished, with the exception of the marching movements that facilitate the handling of the men to and from school and work. The hatred all the men bear to it causes too much cursing and swearing against it. It promotes more immorality that it does implant moral purpose, as its advocates says of it. Thirdly, the idea of putting a man in a red suit savors too much of showing a man's shame to the world. Therefore, it seems to me very uncharitable. Fourthly, task work ought to be abolished. Self-interest will prompt men to work. Fifthly, give red-suit men hot tea and coffee in cold weather.

Respectfully.

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No. 49.

September 26, 1893.

Dear Sir.— I do not know much about this place, as I have only just got here, but what I have seen has been all right, only for a few of the inmates; they give you a report for nothing, and if you say you did not talk they will give you another, and if you send it back they call it squealing, and put all the sergeants and lieutenants on to you, and they are always giving you reports, so that you will get a red suit. I have got over two dollars of reports, and only two of them are right, but I dare not send them back, for they would soon have me in a red suit. It is not the superintendent fault, he is all right so far as I can see, but it is the few inmates who rules over you. I got a first-class report from Dr. Wey for being sick in church, but the superintendent

cancelled it. If you say you are sick the doctor asks if you was ever sick with a belly full of beer, and gives you a report, one dollar, and says you are faking.

Yours truly.

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No. 50.

Oscar Craig:

Dear Sir.—I don't know anything about this place, as I am a new man, and I think that the inmates are the cause of this, such as the sergeant and lieutenant. They give you reports because you are a new man, and because they don't know you. If you are a friend of any of them, you are all right, you can talk all you want. I wish things would be better after this.

I remain, your inmate.

The inmate sergeant is the cause of many men dying by the reports that they give you, and you don't deserve them. But, as I say, if you have any friend to fix things you are all right, and if you send any report back you will get the worst of it. I have got 255 cents, which is thirteen days.

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No. 51.

September 26, 1893.

Sir.—I have been here but seven months. During this time I spent four months in the red suit. All I have to say that I have been treated fair and square in my own behavior keeping me down.

I remain, yours respectfully.

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No. 52.

Dear Sir.—I have but a few words to say against this reformatory, and that is I think there is too many rules, and I should think that those inmates officer are got too much at their own way. I should think a two-grade man should talk to one of them it ought to get a answer, but they will report you for answer, and when a man is talked to he has got a right to answer to them. I am a new man here, but I have to say this, I am getting along good here and as far as having anything to say against the superintendent, I can not, as he has done the right thing with me, and

also Mr. Van Etten has done all that he could do for me. I will come to a close now, hoping that I will never go to the bath-room, but I will keep away from all crookedness. I remain, wishing good luck to any (?).

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No. 53.

September 26, 1893.

Mr. Craig:

I am here two months and nothing has harmed me but the reports. I am in good health and hope to be so till my release.

Yours truly.

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No. 54.

Sir.— I would like to have you gentlemen to see my eye as it is all bloodshot and affects my eyesight reading so that I can not read five minutes without water running out of it, and also matter come out of it too. I was working in the laundry at the time, and I work hard to get my work done, and I got done with the work I had to do and wrung out some clothes, and when I had that done me and Ruger happened to be talking together when the general superintendent came down stairs and caught the both of us talking, and when I seen the superintendent standing on the stairs. I went over to the tubs to find soaping to do but Friday we generally have the wash ready to tie up, but I did not have anything to do with that part of the work. And I don't think it was right to punch me in the eye and make it black and blue, and I can show the effects of it to-day, and gave me a chocolate and only gave Ruger a labor report.

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No. 55.

Reformatory, September 26.

Hon. Oscar Craig:

Dear Sir.— Have been in the institution three months and consigned to fire-hole, and am firing at present. I do say straight and truly that the work is too hard and too hot to stand for the food I am getting; more help needed also. I remain,

Yours truly.

No. 56.

Mr. Craig:

Sir.—I have had a pretty fair deal, but I ought to have been in the blue suit. I was sick and lost my marks in school, thereby not getting it. I have been here two years and five months, and I have been in the red suit twice. I have been spanked twice for reports and have been sick for twenty months and I have been in the hospital twice. The only thing that I can say is if my school marking for May, 1892, might have been made up on account of me being sick and not being at school at the time I would have been home and not be an invalid and a cripple for all my life. This is all I have to say.

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No. 57.

Mr. Craig.—I have been all right since I have been here. Mr. Brockway have given me a good advice since I am here. It is my own fault that I am in the red suit.

Yours truly.

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No. 58.

Dear Sir.—I have not been spanked myself, but I have seen lots of it going on here. Last month Mr. Brockway sent fifty men to States prison, which he was afraid of, because they could tell a long story and a true one. This is a tough place. I beg you to please sent me to States prison. They chain men down in the solitary and then they turn the steam on and that is enough to kill any man. I have seen so much going on here that I am going crazy over it. This is a good place for murder.

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No. 59.

I am here thirteen months. Six months I work in the foundry and the rest of my time in the experimental class. And I am treated very well up to the present time. I was chalked in for holing (?) and I was taken to the bath-room and spanked on the backside. The whole truth, nothing but the truth, so help me God.

No. 60.

Reformatory, September 27, 1893.

All I have to say is that I could not get any word from home. When I got a letter from home there was a piece cut out of it so, when I went to see about it, never got any satisfaction from him and when I was in the red suit I got report I never deserved, and when I went to see Mr. Brockway he wouldn't give me any satisfaction. I was afraid to see about the (?), afraid he would take me to the bath-room, so I had to let them go and I had to live on bread and water for three months and I was so sick that I couldn't walk and when I saw the doctor he would laugh at me and say that I was only fooling. I couldn't let my folks know how I was getting along and they were nearly crazy. That is all I have to say.

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No. 61.

I am here sixteen months and I have been trying to go home and help my poor parents, but it is too hard to go home. I have been down seven months in the red suit. I was down for monthly reports. Now I wish that you would help me along. I should help my poor parents at home and we are all living, father, mother, and all my sisters and brothers, and grandfather and grandmother, and uncle and aunt. We live—

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No. 62.

Dear Sir.—Mr. Brockway has treated me all right since I am in the reformatory and I have nothing to say against him, only that I was treated all right since in the reformatory. This is all I have to say against Mr. Brockway. And this is the truth and nothing but the truth.

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No. 63.

September 27, 1893.

I have nothing to explain. Mr. Brockway, the general superintendent, had treated me very fairly.

No. 64.

Mr. Oscar Craig:

The general superintendent of this place treats us wrong. He does spank us terrible. He took me down the bath-room and spanks us. He took me down in there and gave me twenty raps on the back with a big strap, soaked in water, and laid me in bed four days. I was not able to move on one side. He took me down there about twenty times. I am in the red suit, too. He sends men out in a box, dead, too. I was near going out in a box when he spanked me. I thought I would die. Well, if he sees these notes he will spank us when you are away from here. I hope you do not go. He gives me from ten raps to twenty-five raps on the back. He does not care if he killed us. He would like to. We only get bread and water for supper. We don't get no tea. He spanks us at 12 o'clock in the afternoon, down in the bath-room. I wish you would help us along. My number is ....

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No. 65.

September 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I would like to inform you about the way I have been used while at the reformatory. I am a young man 22 years of age, never been in any prison in my life before, till I was sent to the reformatory; placed in a low class, as my education was very poor, and it seemed very hard for me to understand the language they taught here, so I was restored to the lower grade, and there I am still, since May the twelfth, four months, living on bread and water. It is a hard thing to say when a man wakes up in the morning and gets for breakfast a cup of cold water and a piece of bread, goes to work, and at night, when work is done, he has to get out and drill, and then goes to his room and gets bread and water for supper. So there is no reason of feeding a man on bread and water, because he fails in school. That is all I have to say, and oblige. And when my people comes to see me, no matter whether it is on Sunday, they will not be allowed inside (?) (?) and when they do come I will only be allowed to speak ten minutes with them. They won't let me receive any letters, write any to my people, while the other grades receive and write letters, and when their friends come they are allowed to sit with them an hour or more. There is no prison in the world that the superintendent would have the heart to feed a man on bread and water, but this man has got no heart. He believes in feeding on bread and water, and then, when don't do your work, half kills you.

No. 66.

Dear Sir.—I now take the pleasure of giving you my ideas on this question. I was here two months, when I made an attempt to escape, for which I was taken to the bath-room and licked, but I can not say brutally. But I can say that it keeps me from trying it again. I did not get in any trouble again till June of this year, and that was for tobacco. I was taken before the general superintendent about it, and he was very kind to me, as he let me off without any licking. So far as I know I do not remember of any bad or cruel treatment I got. But I will say this, that I think the innate officers have a little too much of their own way with men under them. If they had less I think it would be much better.

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No. 67.

Elmira, N. Y., Sept. 26, 1893.

Dear Sir.—I will let you know how I am getting treated up here as long as you take the pains to see about it. I was down to the bath-room, as you know what I mean, four times and got spanked twice, once for reports which I deserved some of them, but didn't deserve half of them; there was no use sending them back because my word wouldn't be taken, so I had to stand the spanking. If you were in the red suit you are supposed to be a dog instead of a Christian. That is what the superintendent calls you when you go down to the bath-room. You seen in the bath-room yesterday. I was spanked for attempting to strike a man that called me a name that I wouldn't let anyone call me. He got let go and I got spanked, so if you call that using the men right I don't know what is wrong. I believe in one man getting the same chance as another but you don't get it here. As I say if you have a stripe on your arm and you don't like a man all you have got to do is to keep giving him reports, and if he sends them back his word won't be taken as the colonel thinks no one tells the truth but the man in the blue suit, and they are worse than anyone else. I worked at plumbing outside for three years and I asked the superintendent to put me in the shop when I came here. He said I wasn't fit to go into a gentlemen's house. I can get the best of references as far as that goes. I told him I would like to finish my trade out while I got a chance but it was no use. I don't think that is the way he intends to reform a man by telling him such as that. He ought to let a man work at some thing he knows if he intends him to make a living. It would be different if he had no experience at anything. He

showed you the strap that he spanks the men with. Well, he didn't show you the right one. It is twice as thick as that one. I am not these kind of people tell a bit of talk and has no meaning in it. I am telling you the truth. He is very nice to anyone's face, but behind his back then is the time he can talk. You don't know one-half of it. If I could talk to you I could tell you better than writing. I hope this letter will do some good for us as we need it. There is no use of telling you about the food we get as you can judge for yourself. Any man that will spank a boy 15 years old, I don't know what he would do, the smallest man in the institution. He didn't show you the men who gave fifteen and sixteen lashes of the strap because he knew better. I am not afraid to talk about the truth, but I hope I won't get anything done for telling you for he will about kill the next man goes down there. He has done it to about nine already. There is one in the hospital now with his leg cut off from getting spanked by him. I hope you will do something for me and see that I get at my trade as I won't be able to get out of this place by any other trade. So please let me know as I will be waiting for an answer.

I remain, yours truly.

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No. 68.

Sept. 27, 1893.

Hon. Oscar Craig:

Dear Sir.—Being asked to state the truth and nothing but the truth I solemnly swear to do so. Being in this institution two years and eight months, although having been in the red grade two times, I managed to succeed, and have prospered to gain a blue suit in this length of time by hard labor and industry, and hope to be released soon for this place I love none too much, as I feel I have suffered enough. Hoping I have accomplished your purpose, I remain,

Yours respectfully.

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No. 69.

September 27, 1893.

To Hon. Oscar Craig:

Dear Sir.—I, an inmate of this reformatory, can not but say that this place has done me good thus to mingle in good society and be honored by all, not because of the law, but because it is

the only and true way when this is accomplished I am a true and free man. This I feel of have accomplished and this is the lesson and good lesson which this New York State reformatory, with Hon. Z. R. Brockway as my guide, and many others, and thank him for the instruction while under his care. Hoping I have accomplished your purpose, I remain,

Your obedient servant,

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No. 70.

Elmira, September 26, 1893.

Dear Sir.—I have got nothing to say at all, as I have always been treated well while here.

Yours very respectfully.

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No. 71.

Elmira, N. Y., Wednesday, September 27, 1893.

Sir.—Gentlemen, you wish to be informed how I am being treated. Well, I will tell you the truth; as far as the rules of the reformatory go, I have been treated all right; as for the general superintendent I can't say a bad word about him; he has always treated me right since I have been here, which is some two years. I will say this, every man that comes into the reformatory has got to obey rules and there is a great deal of men that come here and try and run the place, but they find a mistake. You have got to obey rules wherever you go. That is all what I got to say and I think what I have told you is the truth. That is all I got to say, gentlemen.

I remain, yours.

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No. 72.

September 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I have always been well treated and have nothing to complain of. I got here by asking Judge Coxe to send me here and at first I was very sorry, indeed, that I had come here. But now I think that when I get out I will be much better off than I would have been if I had spent the same time

in a penitentiary. If I am given my good time here I shall always be under the impression that if a man has to go on the retired list for awhile, Elmira is the best place. Have been here one year; charge, having formed a scheme to defraud by means of the United States post-office establishment. Never arrested but once before then; sued and got damage for it.

Yours respectfully.

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No. 73.

Hon. Oscar Craig:

Dear Sir.—I have not received any harm while in this reformatory. I have received better treatment than I expected when I came here. I have been here fourteen months, but I could have been home long before now. I have also a chance to learn a trade which I could not learn or did not want to learn or work before I came here. I have received good instructions and I am thankful for it. I think if one behaves himself it is very easy to make a parole. I could have made one, but I did not realize that reports would keep me here, but now I know better. Mr. Brockway has treated me justly. This being all I have to say I close, letting you know it is the best thing that ever happened to me.

Yours truly.

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No. 74.

September 26, 1893.

Dear Sir.—I have no complaints to make, as I have always been treated as a gentleman by all of the officers. I mind my own business as all the rest of the inmates should, and then they would not be ill-treated as the way they say they are.

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No. 75.

I have nothing to say. I am here only seven months.

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No. 76.

Hon. O. Craig:

This reformatory is ruled by the inmates officers. Whatever they say is believed by the superintendent and colonel (?). If a

man gets a report and sends it back he would get a first-class report for sending it back. A private has to take a report whether he deserves it or not, and that is what puts nearly all in red, and when they get put in red they are only allowed bread and water twice a day. That is, that they get hash in the morning, and you can't eat hash every morning, and, of course, we have to do with water, and oblige.

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No. 77.

Mr. Craig:

Dear Sir.—I am an inmate of this institution for the last fifteen months, and was on parole once and returned without cause. The case is as I give it below. I was on parole for nearly two months; it was on a Saturday night; the weather was too warm to stay at home so I took a stroll out, and while walking along the avenue I tripped against a cellar door and fell against a window and broke it. I was arrested and the parole papers was found on my person then; and what I and my people suspect is, that as the officers saw the previous charge on the parole paper they had the idea that I was trying to burglarize the place. At any rate I was tried and sent to General Sessions, and discharged on the charge against me. While I was walking out of the court-room I was taken by one of the officials of the reformatory, and taken back to the reformatory and placed in a red suit and fed on bread and water to this present day. Sir, I always kept up with the rules of the reformatory, and have no cause to go to the general superintendent to help me along, as he stated some people did. Sir, you would do an innocent man justice by investigating this case.

Yours very respectfully.

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No. 78

That we can not live on bread and water forever.

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No. 79.

Sir.—I have been in the reformatory go on six months, and received two notices to be flogged, and besides what I have seen men come from the bath-room with their eyes blackened and

marks on their back. I should think they should put a stop to it. It is not right to flog a man for getting reports. That is I have to say.

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No. 80.

September 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I was committed here July 9, 1892, and would say that during the time I have been here I have found no cause for complaint.

Yours respectfully.

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No. 81.

September 26, 1893.

Hon. Oscar Craig:

Sir.—I have no cause to complain of my treatment, or the management of this institution, since my admission, in September, 1893.

Respectfully.

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No. 82.

What is to prevent Mr. B., or reformatory officials, from opening any letter and obtaining information, and replace it in another envelope.

"RUBBER HOSE."

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No. 83.

Elmira, September 26, 1893.

I have been treated all right.

Yours.

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No. 84.

September 26, 1893.

Mr. Craig:

I have no complaints whatever to make about this institution.

Yours.

No. 85.

Elmira, 26 September, 1893.

Dear Sir.— ..... is satisfied with the treatment in the reformatory.

Very respectfully.

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No. 86.

September 26, 1893.

Mr. Craig:

I have nothing to say.

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No. 87.

I have been treated as good as could be expected since.

Yours truly.

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No. 88.

When he takes me to punish me he hit me in the face. He is make a fool (?) for the place, anyhow (?). He kills more men than he is worth. He calls me (?) and (?) and liar. He does not care what he does to the men. He sends me notes to me and he does not do it. What he said he will do. He said he would take me to the bath-room and punish me. This is what ..... says now.

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No. 89.

Please excuse sore eyes.

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No. 90.

September 26, 1893.

Hon. Oscar Craig:

Dear Sir.— I have been treated justly while in this institution. I am thankful for what I have learned under the general superintendent's care.

No. 91.

Elmira, N. Y., September 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I take great pleasure in having the chance to write you these few lines for I have been here twenty-six months now and the only thing that keeps me here is school, and I do not think it is right to keep a man here on account of school. Now, there is another thing that I would like to ask you if it is right for a man named Mr. Thompson, that is working here, to tell a man up to his face that he was going to put him in a red suit, as he has told me two or three times, and he is trying his best to get me there, and the only way he can do it is by failing me in trade school, as he has do ever since last March. For you can look up my record and see that I am telling you the truth. Sir, there is another thing that I would like to tell you, and that is this: I have been a member of the three grades, and I can not find anything out of the way with Mr. Brockway, for he will treat a man as he finds him. If a man wants to be a hard case he will get what it called for. Now, let anyone say what they will about Mr. Brockway, but as far as I am concerned he has treated me all right. But it is not he that ought to be talked about, it ought to be that military man called Colonel Bryan, for he has more men in the red suit than the general superintendent has hisself. For he is the man that makes all the trouble here between the men here and the superintendent. If I had my way I would hang him to the nearest tree for he is not worth his own name.

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No. 92.

Sir.—I take the pleasure of letting you know that I have not been ill treated during my time, but if I don't get my short time which is up next week I think then I am getting treated wrong but I hope not. I have nothing else to complain about on my part.

Yours truly.

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No. 93.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I have nothing whatever to say against the institution except prefer it to State prison.

Very respectfully.

No. 94.

Dear Sir.—I take great pleasure in writing you these few lines. Stating that I have been brutally punished here for nothing. In fact being that I have been in State's prison before, they look upon me as nobody. They have inmates here doing office duty here reporting boys here for nothing. These boys to get along have to submit to anything officers wishes. The boys will submit to most anything before they will get paddled. Therefore, the boys will submit to sodomy and crime against nature; that is an everyday occurrence here. Young boys of weak mind are led astray, and by being led astray he is found out in the end, and he is paddled every time he gets a yellow report. Therefore, boys are made victims of by inmates of stronger minds who has charge over them. I am a man that has not got much learning, therefore, I can not state on paper what I wish to say, but if I had the chance of speaking before a committee I could make clear to them what I would like to say. I give you my name and number as follows: ———— Another thing I wish to say is how men are brutally beaten here for not being able to do their task in the foundry and some of the task are impossible for to do.

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No. 95.

Mr. Oscar Craig:

Sir,— I write these few lines to you to inform you that it is not talking or disobedience to the rules of the place I complain, but I think it is not quite right to feed a man on bread and water for three to six months a year, at a time. I have got reports for being two minutes short of my task and that is not fair. I have got a ten years' maximum and I would rather be in State's prison than here. A man don't get fed on bread and water for such small offenses there. I have not been down to get paddled but once and that was the other week. As it was he let me go but as for investigating reports a man in a red suit don't get much show as his word don't go. When an inmate officer speaks against him we get a first-class report, and that is all, and it knocks him out, and ten to one if you don't get paddled for it.

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No. 96.

Hon. Oscar Craig.—I do not approve of these inmate officers.

Yours truthfully,

No. 97.

General Superintendent:

I wish you would please give me short time. I do my work every day. I never get any report this. I never get any month mark for study this year. I was try to see my father, my mother. I was work in State New York in story. I get arrested for steal of money, seventy-five dollars. He keeps me an long time. I never steal anything in this place. I like to get my (?) short time. I never come again to jail. My father was born in Boston.

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No. 98.

Elmira, N. Y., September 26, 1893.

Dear Sir.—I mean to let you know that I got spanked once, but I think I deserved it, but, sir, I got reduced to the red grade dead wrong for nothing at all. I was getting along very nicely too. I have been treated all right, but for getting reduced to the red grade.

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No. 99.

Hon. Oscar Craig:

Dar Sir.—I have but little to say. I do not approve of these inmate monitors. Because if they happen to have anything against you before they are promoted you are doomed.

Yours truthfully.

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No. 100.

September 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I have been here since April, 1893, and I have been used right while here. I am in the red suit, but I am going in the black next month.

Yours.

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No. 101.

Elmira, N. Y., Sept. 26, 1893.

Dear Friend.—All I have to say is that I never deserved to get reduced to the second grade or red suit, as all the reports I got

were false, and when I would send the reports to have it investigated I would get a first-class report, which is one dollar, for sending it back. That is not the way to be treated. That is all I have to say at present.

Yours respectfully.

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No. 102.

Is fare good man of disinfection.

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No. 103.

Sept. 26, 1893.

Mr. Craig:

Sir.—I wish to protest against my detention here for the past two and one-half years. My conduct has never been such as to necessitate my being physically punished. I have never stolen anything, used tobacco, fought, or cursed anyone during my stay here. I have been reduced each time on flimsy evidence and no proof except the word of inmates has been brouuht against me. The investigation of charges brought against me were not impartial. The colonel, who investigates all reports looks down on us inmates and sometimes hardly hears what the accused has to say. When I first came here I worked in the "Hall," and an inmate in charge of the hall men being afraid if I caught him being criminally intimate with another hall man, who was subsequently sent to State prison for being intimate with others, I would inform on him, tried to have me reduced by giving me three dollars worth of reports each month for four consecutive months. I stated the case to the superintendent and asked to be changed from the hall, but he refused to accede to my request and at the end of four months I was reduced. I would like to have an interview with the committee so as to state my case in detail. I remain, sir,

Very respectfully.

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No. 104.

Elmira, N. Y., Sept. 26, 1893.

Dear Sir.—The papers which charge Mr. Brockway with cruelty simply state the truth. I have only been here five months, but

I have seen enough to make me wish I never was born. I have only been down in the "bath-room" once, but that was enough for me, to see one man come out with his eye blackened and another man, his number is ———, I saw him dragged out of the bath-room after being "spanked;" that wasn't enough, but he was kicked in the abdomen in the bargain, and the man is ruptured.

Respectfully submitted,

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No. 105.

Elmira, N. Y., Sept. 26, 1893.

Mr. Craig:

Not having been here longer than three months I can not very well tell you anything about what you want to know, except what I have heard other men talk about what have been done to them. And not those men that could speak about it have all been drafted to other prisons. I hope, most sincerely, you will not let Mr. Brockway pull wool over your eyes as he does over the board of managers. I can say for myself that I have no way received any ill treatment, although I received a notice from the superintendent telling me that he would give me a flogging if I got any more reports. I am sorry to say that I tore the notice up else I would inclose it to you to see for yourself. These floggings, from what I have heard, are not to be laughed at, as room-men that have been flogged had to be taken to the hospital afterwards.

Respectfully.

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No. 106.

Elmira, Sept. 26, 1893.

Hon. Mr. Craig, Chairman of the Committee of Investigation:

I am very thankful to you and the rest of the committee that they have come, and that they are looking for the truth. Gentlemen, what I am going to say is the truth, the whole truth, and nothing but the truth. I can not gain anything by either way, but will now open my story. Gentlemen, I have been in the convict grade now twenty months and have lost my father when I was up here only one month, but did not hear that he died until the 22d of August, 1893. Through a visit that my brother paid to me, and on the 16th of September, 1893, I received a note from the superintendent that my mother died

and was buried in Illinois. I knew that my mother and father were worrying about me for they have not heard of me for twenty months for no red-suited man is allowed to write or receive any letters. And I will also state that in those twenty months I had nothing but bread and water in the morning and in the evening; my skin is all shrinking up from the want of something-warm. Gentlemen, I have also been spanked for demeanor reports and I am very nervous for I have been in terrible agony while getting spanked; I have often been afraid of the officer coming to my door and placing the chalk marks * * * which will drive the strongest constitution to some bad thought; gentlemen, I can say this much, I have often had the thought to end my life whenever I was chalked in for the great pain that a boy must pass through while he goes to get spanked. Before I was taken to the bath-room I was taken from my room by an officer and handled in a very rough manner until I got to the big door and was made to stand there until the superintendent was through spanking the other boy and then I was taken by another officer who was inside and caught by the arm or the throat and asked my name and my number and placed before the superintendent and the minute he would look at me he told me to put my pants down and get over to the wall, he didn't leave me any time to explain the case to him but let the strap come over my kidneys four times and the last time he hit me I became very weak but he seeing it let up and I was taken out but not allowed to walk out but I had to run out. So, gentlemen, I will now close my note hoping that you will take an interest in a brokenhearted boy. Gentlemen, I can swear to what I am writing any time when called upon to do so. Gentlemen, I will further say that I have often wished myself in Sing Sing or at Auburn or at any other place. Gentlemen, I hope that you will take an interest in my note as I have nobody to take care of me and am only 18 years of age. What I want is to make an honest living but this treatment is making a wild man of me. Gentlemen, I thank you with my whole heart.

Yours respectfully.

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No. 107.

Elmira Reformatory, September 26, '93.

Dear Sir.— For the length of time that I have been here I have nothing to complain of against the management of things pertaining to myself.

Yours respectfully.

No. 108.

Elmira, N. Y., Sept. 26, 1893.

Mr. Craig:

Dear Sir.—I have been in the reformatory seventeen months. My behavior has not been what it might have been had I had justice from the beginning; if I had had any kind of a show whatever, I might have been a free and honest man to-day. When entering this institution I asked to learn a trade and if I had been allowed to learn that trade it would have been of benefit to me in after life but instead I was put to learn a trade which if I work at it the remainder of my life I will never be able to earn my board. I have told the superintendent of it but it does me no good, but if I ever have a chance to make a parole I will do what is right. But I have been unjustly treated and when I asked for justice it was refused. If it had been given to me I would not have been in a red suit to-day. I would have been on the road to freedom.

Yours respectfully.

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No. 109.

Sept. 26, 1893.

Dear Sir.—My opinion of this institution is this, that if you do the right thing you will get along all right. I am in the red suit now going on three months and what put me there was my own foolishness. I have been here going on to seven months and I have seen boys going home, Mr. Brockway going up to them and shaking hands and giving them advice. And I have noticed young men working to get out that while they do what is right everybody helps them. Then I have seen the other class of fellows here, who are continually talking, myself with them, who want the earth. They want to be put in the blue and at the same time make no effort to get there. I am not any saint or anything like that. I am speaking from my heart now. I might have a bad reputation and a no-good sort of a fellow, but there is one thing I can't stand, never could, and never will, and that is to see anybody wronged unjustly. And I think that is the present case. I say Mr. Brockway is all right. Let one do what is right and he will help them. He has my entire sympathy.

Yours truly.

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I am not afraid to speak the truth, and if I thought otherwise I would not hesitate to say it. I am speaking as man to man. And I am speaking in the name of the manhood that is in me.

No. 110.

Dear Sir.—As an act of simple justice, I believe that it is my duty to say that I have not only been treated justly, but considerately, during my stay here; and that the reason for my detention over a year lies in my own behavior.

Yours, etc.

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No. 111.

Mr. Craig, Chairman of Committee:

Dear Sir.—You have asked us for information ("If we had any") in regards to us not being treated right. When I entered the institution I was informed that I could go at my trade. Several weeks passed and I asked for an interview in reference to it, and I did so several times. Up to date I have not received any definite notice. If I had been placed at my trade, which is printing, I would never of been reduced and suffered the degradation of going to the bath-room. I thank you for the opportunity of letting me tell how I was not treated right.

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No. 112.

Hon. Oscar Craig:

My complaint is that I was sent to the reformatory to be treated like a man, or not to be treated like a dog. My dear friend, I guess you do not know what the bath-room is. I, myself, can tell you that it is a place for a dead man to be lick as the superintendent likes you. My dear friends, I was taken many times down in that bath-room and licked. The way I was licked the superintendent told me to take my pants down, and when I did it I had to put my hand to the pass (?) and turn my face so that I could not see him. He gave me twelve raps on my behind and I started to faint, and he saw that I could not stand any longer, he order a pair of handcuffs to go around my wrist, and when he had them on my wrist he strung me up and started at me again, and he licked me so bad that I fell; they carried me to my room and order a pail of water to (?) myself, for my head was as large as a football and my behind was like a hill. My left ear is deaf and my nose is broke from getting so many lickings. I wish you would call me up to talk to you about this place.

Name .....

If I had more paper I would tell you more.

Hon. Oscar Craig.—I can not spell my words very well, but I can tell you that I had hard times while I am here. Please call for me and I can explain it better.

(One inclosure.)

(This envelope was left unsealed.)

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No. 113.

Sept. 27, 1893.

Dear Sir.—I wish to inform you of the treatment I have been receiving from Mr. Brockway which is cruelty. I am here two years and four months, and during that time I have been flogged eighteen out of twenty time, almost until I could not stand. I can say for a certain fact that I fainted away from the effect of a flogging, not only that, but when I go before his assistants for satisfaction he will tell me that an officer wouldn't do anything wrong. I know it to be true about officer on parole here to commit crime against nature to young men here. They even had an inmate officer as major here that would let men sleep with him and he would his head down on their private parts. I say for myself that I can not get along with inmate officers as they are the biggest rogues there is, and if they were abolished, I think every man here as well as myself could get along. This is all.

Your obedient servant.

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No. 114.

N. Y. S. R., Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I have nothing to say of any coercise measures been taken with me. I aways mind my own business and look out for No. 1. But I can say that our food lately has been very poor. Last Tuesday I found two large maggots in the soup and two more to-day. I think it would make a great deal of difference in the inmates if we could get better or cleaner food. And as for not allowing inmates in the red grade to see relatives, I know of two instances where mothers come from New York to see their sons, and were just allowed to look at them and shake hands through the cage. The men don't know whether their folks are alive or dead. I have heard a great deal about the bath-room and see men come in the shop from there after a paddling as they call it and could hardly walk, that doesn't make

me feel hard of our superintendent in the least, although it is pretty hard on some men.

Your obedient servant.

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No. 115.

Elmira, N. Y., Sept. 26, 1893.

Hon. Oscar Craig, Secretary of Inspection:

Sir.— While working in the clothing department I was a little slow, being that I never worked at that business before, and I said to the boss it was very difficult for me to get along. He says well, I see about it, the next day I was chalked in, and was taken down to the bath-room, and the superintendent said, so you are the fellow that didn't want to learn the clothing business. I denied it; the superintendent said yes; I did say so, and told me to take down my pants which I did. An officer rolled up my shirt and the superintendent used a long, heavy strap on my backside, so that I shrieked with the pain. I then turned my head towards him to ask him to stop and he let me have it in the face with the strap, so that my face was swollen and black and blue, the blood was running down from my behind four hours after when I came to my cell.

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No. 116.

If Mr. Brockway says he never spanked anybody he had me down for several times in one month and never let me off, as for giving me any show that was something he never did towards me. Sometimes he would send me typewriter saying, if you get reports enough to lose a dollar, that he will take me down to the bath-room for physical treatment. I would go along for awhile and all of a sudden I would get three yellows; he would send an officer around to chalk me in and when all of the men were out of the office would come after me and take me by the arm to the superintendent, who was in the bath-room, and would give me a talking and all of a sudden he would say to take down your pants. When they were down he would start in, not caring where he would hit you, but hit you anywhere. Once he hit me with his strap across my face and I had a black eye for a week.

No. 117.

I have not got anything to say at present. .....
One inmate ought not to be over another.

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No. 118.

Mr. Craig:

Dear Sir.—I am very glad to have the chance to write you as requested. I have been in the reformatory six months and I have ten years to do if I do not improve. Since I have been here I have been used as good as can be expected for a prison. Mr. Brockway has used me as well as possible. There is some men that do not know when they are getting used well. I have had charge of the lumber yard for five months and there has been several men working with me that I know to do wrong things; that is, against the rules of the institution and then they would say that Mr. Brockway was no good because he would not put them in the grade. I worked very hard since I have been here and done heavy work as any man in the institution has done. It is a man's own fault if he does not get out of here in one year or eighteen months. I am a married man and have four small children in New York city and no support only what my father can help them. If I do not get out of here in a year or eighteen months why a great deal will lie on myself. There are some of the inmate officers that have a grudge against a man outside and when the officer gets a chance in here he will report him for nothing and when you get it investigated, why sometimes the Colonel Bryne will side with the officer which, I think, is wrong. There are some officers in here that are worse than the other men. They will ask you for tobacco; they think that the men that work in the yard has it. If you tell them that you do not use it, why they will say that I will get square with you, so then they will tell others. They all side together; that I can prove by the men that I know to ask men that has worked with me and also they have asked me for the same which, I think, ought to be looked into. I am very glad to say that, far as Mr. Brockway is concerned, I think that he uses the men all right. There is a man that works with me that got whipped from the superintendent for fighting and using bad language and he said that he was not misused. When he was whipped that only a strap was used. I know as much about the place as any of them does, for I am in the yard among the men that work in different places in the institution. These few words that

I now write I hope will be accepted as a true fact. I am a man .of 28 years, and I think I am old enough to know what is wrong. I blame nobody for being here but myself, which I am very sorry for my family's sake. It is the first time that I ever was arrested and this will be the last, if they all think the same as I do they will blame nobody else but themselves. If they mind their own business and do what is right they will go home the same as a good many has gone. Hoping this satisfactory,

Yours truly.

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No. 119.

Mr. Craig:

Mr. Brockway has done me no harm, but that is because I have not been here long enough. Here is a notice which is a very nice hint to look out for it though, but when there is anything the matter with you in sickness you go to the doctor, they will put you in the guard-house and take you down and spank you most severely. And if you say anything they will give you a pair of black eyes and a swelled face to carry around for awhile.

(One inclosure.)

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No. 120.

Elmira, Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I have not any fault to find.

I remain, yours truly.

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No. 121.

I have been spanked here four times, which I can say it was for nothing. When I first came to the reformatory I was sick from being in the Tombs. I went up in the hospital and made two perfect records. When I came down I was put in the tailor-shop, on a little Domestic machine. My task was eight inmate's shirts per day. I tried hard to do them, and while working trying to do them there is a long spring in the head of the machine, which was put together with lead, that used to break, and every time it broke I was spanked for it. I think it is against the law to spank a man that way. No human heart can do it. Besides

the spanking I was in the rest cure for over two months and a half, on bread and water, because I could not get along. I have a term of five years; out of the five I done two years and eight months. I don't expect to come home alive; my kidneys are knocked off. To hit a man with a deadly weapon across the kidneys, I do not see how a human heart can stand to do it. The man begging to be left go, saying, "Oh, Mr. B., I will never do it again." "I hope you will not." "Oh, Mr. Brockway." "That is my name. If you would turn around again I will give you one across the face." A man can not help turning around, the pain compels him to do so. I went up to see him about my kidneys. He told me it was nonsense. It is nonsense to kill a man and say it is nonsense. The doctor is the same way. Messrs. Woolley, Hoppe and Colonel Bryan runs the superintendent, and the superintendent runs the board of managers. This is the way the whole institution runs. Mr. Berthold says that the spanking will knock up on every (?) if not now, in ten years later. I believe it knocks up on me now. I am up here for a very little offense, and have a five years' term, which I don't expect to come out alive from the spanking.

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No. 122.

Mr. Craig:

Dear Sir.—I have not been here only a week. The food is outrageous for anyone. I think that might be remedied.

Yours every true.

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No. 123.

Sept. 26, 1893.

My Dear Sir.—In grasping the privilege of the opportunity afforded me to express one's thoughts and dictations of the heart I would say, that if there is any place or institution on the face of God's green earth that reqnires at the head of it a gentleman, in every sense of the word, it is an institution of this kind. Where they profess as well as having the reputation to teach and practice reformation. Now, upon the first day of my commitment in this, the New York State Reformatory Institution, I realized the fact that it was under the control of a man that expressed himself in a manner very unbecoming to gentlemen. Before coming here I took leave of a very dear wife and two lovely children for whom I would and will, as I already have, sacrifice

a great deal. Then to come here and sit down face to a man claiming to be right and just and discover that he is not gentleman enough to confine his insults to his subjects but extends them to those that I hold most dear. That gentleman I hold should not be tolerated by the public at large.

Yours very respectfully.

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No. 124.

Mr. Craig, Chairman of the Charity Committee:

Dear Sir.— Having a chance to lay my wrongs before you I have this much to state. Last month I got two chocolate reports from an officer here by name Church. I did not think that I deserved them so I sent them up to Mr. Brockway with an explanation. I have never received any answer yet. I would explain how I got them and you being an honest man, I know, will think as I do. I was laid off work that month and I was returning to my room when a man on the gallery stopped me and asked me if I had read the piece about Colonel Rice that used to be here. I was reading it when this man Church asked my name and number. I asked him like this: I says, I want to see Mr. Decker (?) the hallman, and see if you have a right to report me. He said, all right. I went and asked Mr. Decker and he said he had. I went back and gave him my name and number apologizing for my refusal. Then, I said, like this, "Church, I did not mean any harm about this; I am a married man and trying to earn a parole as soon as I can;" he partly promised me not to send them in on me. But the next morning I was called up on the floor and he had two chocolate reports besides a yellow. The colonel told me that I done a manly thing by asking Church's pardon, and he said I will be as light on you as possible. I will fine you one dollar. The next night I got the two chocolates and yellow. I do not call that giving a man a fair show. I have done my best. It was the first time I ever asked him to cancel a report for me. Hoping you will give this your careful thought and consideration I will close.

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No. 125.

N. Y. S. R., Sept. 26, 1893.

Dear Sir.— Complying with your wishes in reference to an unbiased statement regarding the management of Mr. Brockway

(superintendent) over me, would say that I have been used fair and square and can say nothing against the management.

Respectfully yours.

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No. 126.

Elmira, Sept. 26, 1893.

Mr. Craig:

Dear Sir.—I don't want to cause you any extra trouble, but, sir, I think it right to let you know the way I have been kept (?) here and the reasons for it. Sir, I came here the 18th of February, 1892. I was placed in a class in arithmetic where I could not get along. I tried my best to pass in school and earn a parole. I went to the general superintendent and asked him to reduce me in school but he would not give me a chance. I had three pink reports in three months and I was reduced to second grade in February, 1893. School is the only thing that holds me here and, sir, I don't think it hardly just to keep me here for five years because I did not have much education before coming here. Dear Sir, you can see by looking at my record. Dear Sir, I can't get along in the class in arithmetic that I am in now. The superintendent will not reduce me. Sir, I wish you would find out his reasons for not putting me where I could pass the examinations. Dear Sir, I don't want to do five years here and I will be ever grateful to you sir, if you would see that I am placed in arithmetic where I can get along. It is my only trouble.

From your ever obedient servant.

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No. 127.

Sept. 26, 1893.

Dear Sir.—I was received here on the 19th day of February, 1892. In less than five weeks I was reduced to the red suit for writing a note to a friend of mine. I was sitting in my cell eating my dinner, when Hall Keeper Murphy came to my door and said, "Come on;" I went with him and he took me to the bath-room and the superintendent flogged me until I could not stand. One week later he again took me to the bath-room but let me off. On the 1st of March, 1893, he again took me to the bath-room, and severely flogged me for talking. On the twenty-third of the same month, he again took me to the bath-room but let me off. On the first of April last he again took me to the

bath-room, and flogged me so severely that I became so melancholy that I dreamed nightly of the terrible torture. It was four months before I could eat anything but two slices of bread daily. I have on several occasions been unjustly accused of offenses I never really committed. I have almost been driven to suicide.

Very truly yours.

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No. 128.

Mr. Craig:

I write to you and tell you the truth. I am here twenty-eight months and had hard times while here and while here I was down in the bath-room six times. The last time I was down to the bath-room was September fifteenth, and he let me go, but I got flogged on March 27th, 1893, and got fifteen cracks with the strap. Five times I was hit with the strap on the kidneys and pained me ever since. Besides I tell you, my gentlemen, I have got the indigestion; I go to see the doctor about it and the answer I get, "You are faking," but I would like to see a doctor from outside and see if I was faking. He does not do anything for a man. I don't see why the blue-suited men got better food than the men in the black and red suit. They are no better than we are. I tell you why men are kept here. First, maybe in the blue suit, and if he is caught with tobacco get reduced to the red, put in the solitary for a week or two. We get the bath-room for having tobacco or having a piece of (?) soap. Men in the red suit get no tea, aint allowed to have a tooth-brush, aint allowed to have carpet, ( ?) or a looking glass. I don't think it is right for one inmate to be over another. One of these officers of military will report you for the least little thing if you have tobacco you are in the ring. We aint to receive fruit from our parents, we must pass in school in work or you lose your grade. All that the colonel knows is to chalk you in, get you the bath-room; that it what he is good for. I am nearly dead with the indigestion. The bath-room is a tough place. A year ago the food is something bad. Men over two and a half ought to get short time. This is the hardest place I have ever been for the first time. The bath-room is something terrible. The food is another thing that is terrible, fit for hogs. I would do ten years in Clinton prison and do time. The doctor is just as bad. He no good for a man for I have been suffering with indigestion for six months. Don't get anything for it. The men in the red grade get water and bread for supper. I don't think the Governor would like that.

I will be a man if I get out here alive. I got my share of the N. Y. S. R. Gentlemen, men ought to get their short time here; one who has been here since 1891. You get report for the least little thing. Gentlemen, bath-room is horrible place and so is the food.

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No. 129.

Mr. Chairman:

Dear Sir.—I write according to the request made. All I have to say is that I was doing good till an inmate got at me and I was reduced to the lower grade for nothing at all. The inmate officer are the ones that are making all the trouble. They take a perfect delight in reporting a man. Then, on the other hand, if a fellow stands in as they say or (has a pull) he is all right. Even has tobacco and gets on all right. The food is very bad, sometimes we get it the (same stuff) three times a week. A fellow gets sick at the sight of it. I was living on bread and water about five months. But I get a little tea now. I have cramps in the stomach and other pains. No use for the doctor, a chocolate report. But I hope to stand it. I would rather be in a tramps' prison. They get better food. As for the trade, your part at something you can take no interest in, and I would rather not learn it. I would never work at it outside. But it is good for some who can learn a trade. I had the good luck to keep out of the bath-room, so don't know anything about that. More men die here than any other prison. He is half starved first and then half killed and if he lives he is a good one.

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No. 130.

Sept. 26, 1893.

Hon. Oscar Craig:

Sir.—I have no desire nor is there any necessity for the protection which this permission affords, but as I have received little satisfaction from the superintendent in regard to a report of March 24, 1893, involving reduction other than the astounding intelligence conveyed in ("A man of your intelligence who deliberately violates any rule deserves to be reduced and flogged"). Will you kindly show this to him and ascertain what translation you can afford to me for what I naturally consider a gross excess in penalty. I have appealed or protested in person and by note at some length to the superintendent and do not hesitate to take

advantage of this opportunity of clearing myself of this charge of "crookedness." I refer you to Mr. Z. R. Brockway.

Respectfully.

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No. 131.

To Mr. Craig:

I have not anything to say about the treatment I got while in the reformatory.

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No. 132.

Tuesday, Sept. 26, 1893.

Hon. Oscar Craig:

Sir.— I have not the least fault to find with my good superintendent, Mr. Brockway. I lay the fault with ex-Lieutenant-Colonel Halpin for my detention in grade. I swear (?) I told the truth and nothing but the truth, so help me God. You will find my case in book, dated April 10, 1893, one first-class report, six dollars.

I remain, an obedient servant.

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No. 133.

As I have been in this institution but five weeks, I can not say much either for or against it. I can, however, truthfully say that I have received the best of treatment at the hands of the officials. It is my firm belief that if any young man here, no matter who he is, will but live up to the rules of the institution, will not suffer, but will be greatly benefited.

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No. 134.

New York State Reformatory, Elmira, Sept. 26, 1893.

Hon. Oscar Craig:

Sir.— As requested by you this evening, I write you the following: I have been an inmate of this reformatory since the 24th day of March, 1893, and have been treated as any person who conducts themselves as a gentleman could wish for, and have no fault to find with the government of same, whatever. My only objection is to the food, which is very poor and common, and think that a slight improvement could be made on the same without any further expense.

Yours respectfully.

P. S.— Hoping that I have fulfilled my duty as an honest inmate.

No. 135.

My opinion is entirely in favor of Mr. Brockway's management. I have experienced nothing which could lead me to a contrary belief.

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No. 136.

Mr. Craig:

My experience in this institution has been smooth, with one exception, when I was detected with tobacco. I was very severely punished for this, being taken down and handcuffed to the floor in what is known to the inmates as solitary and left in that condition for six days, being in total darkness all the time. I was taken out then and interviewed in the bath-room by the superintendent, who then proceeded to whip me. He used the strap on me until I was unable to stand up. He then sent me back to the solitary again. The next day I was brought again to the bath-room; I was hardly able to walk through the hall, an officer having to support me. The superintendent, seeing the condition I was in, did not again whip me. After being whipped, in trying to make my water, I had a burning sensation, which was very painful, caused, I think, by being whipped across the kidneys. In the bath-room the superintendent is a very different man from what he is outside of it. He seems to be unable to control himself, and acts more like an insane than a sane man.

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No. 137.

Elmira, N. Y., Sept. 26, 1893.

Dear Sir.—I have been in the reformatory seven months and while my being here I can not complain. General superintendent has treated me first rate, and also head-keeper. I have been in the red suit for four months and I made up my mind to get out of that red suit and I did. The reformatory is the best institution ever opened for man while such superintendent as we have he understands he business. I have nothing to say against the reformatory. My food is plain but good. I get plenty to eat and drink. That all I can say.

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No. 138.

Hon. Oscar Craig:

All I have to say is that I got taken down to the bath-room four times and I got let go twice, and out of the four times I

deserved punishment three times. That is all I have got to say. I can not say that I have not been treated right.

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No. 139.

Elmira, N. Y., Sept. 26, 1893.

Sir.— One night I was taken out of my bed and taken up on the guard-room floor and the lieutenant-colonel asked me what I was talking about coming across the floor. I told him I wasn't talking with anybody, and he hit me three times in the face with his closed face fist and said that when I went down in the bath-room before I got hit three times I would tell. They took me down in the bath-room and hit me three times and asked me if I could remember anything now. I told him no, and every time he would hit me for eighteen times he would ask me the same question. I turned around to ask him twice to stop and he hit me over the face, at the same time telling me to look at the lieutenant-colonel, and they put me in the solitary with my back all run, and as it was so warm down there it soon dried the rawness on my back. He brought me down the next day and punched me in the mouth and let me go. This is the ill treatment I received here just for talking when I did not speak to the man at all. This is all I have to say at present.

Your obedient servant.

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No. 140.

N. Y. S. Reformatory, Elmira, N. Y., Sept. 26, 1893.

Hon. Sir.— I have nothing to say about the treatment I received while at this institution. I am here seventeen months, and have been in the red suit twice, but each time that I was reduced it was my own fault. I am now in the black suit for the third time, and at the time of writing have a call for the red suit and ninety cents worth of reports, but if I do get a pink report before the month is out and go in the red suit it will be my own fault. But there are men here in the military who have the right to report inmates, and they are only inmates themselves. Now, if one of them officers have any old grudge against another inmate they will settle it by giving him enough reports to make him lose the month, and sometimes his grade too. I got reports that way and sent them back to be investigated by the colonel,

well, the officers say I did talk, I said I did not; and the man who I should have talked to was asked and he said I did not talk to him. But what good did that do? I got a chocolate report for denying it. I do not think it is right to let one inmate report another for one is no better than another.

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No. 141.

Dear Mr. Craig.— Here I will tell the truth, all truth and nothing but the whole truth. Dear Sir, Mr. Craig, I have not received any punishment from Mr. Brockway. He always has treated me well, and I always have obeyed the rules, except that I cannot keep out of the red grade for the reports. This is all I have to say about Mr. Brockway.

Truly yours.

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No. 142.

All I have to say about the reformatory is that if a man will try to get along, the general superintendent, Z. R. Brockway, will help him every time, for I know that he has did it for me.

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No. 143.

Sept. 26, 1893.

Honorable Sir.— I was taken down to the bath-room and flogged three times through the means of other inmates, so hard that I could not stand up, and then they put me in the solitary for twenty-two hours and fed on bread and water. He whipped me once for telling another inmate that if he called me a child of a being again I would hit him for it. And another time for getting a report for talking. He gave me the first time seven raps and the second time he gave me nine raps with a strap three inches wide and a half inch thick, soaked in salt water. I have never got over the effect yet.

Very respectfully.

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No. 144.

Sept. 26, 1893.

Sir.— I have only been here ten days, and have no fault to find with the management.

I am, very respectfully.

No. 145.

Sept. 26, 1893.

Sir.— All I can say is the truth and experience that I have had in the four and one-half years I have been here. First, I was reduced to the second grade for some offense of which I was innocent. I was reported for talking in school and I never said a word and I was called down to the bath-room and there I was confronted by the superintendent and P. K. Winnie who punched me in the face and kicked me in the stomach until I was badly bruised, but I was not spanked, but I would sooner take the paddling (?) and I would not have suffered as much as I did at that time from the kick and punched by the superintendent and Winnie the P. K. at that time. And the next time I was reduced to the second grade I was reduced because I could not pass in school and I was left in the red suit for six months and then I was restored to the (?) grade and was reduced for the same thing and I called upon the superintendent and asked him to do something for me and he laughed at me and said that he had a way to help me and he said that he would try physical treatment and if it (?) (?) that I know he would have killed them by reducing them to a class where they could pass and I (?) (?) (?) and if I could see you I could tell you a great deal more.

Respectfully yours.

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No. 146.

Elmira, Sept. 26, 1893.

Mr. Craig:

Dear Sir.— I have only been here six months. But I can say I have learned a good deal in that time, and can say I have been used well so far. I think each man would be if he would mind his own business.

Yours, with respect.

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No. 147.

26, 9, '93.

Mr. Craig:

I now take the pleasure of stating to you by this letter what grievances I have to make. I went to Dr. Wey and asked him to send me some medicine and he refused to give me any or

to let me write to my people for it either. I have had the misfortune for to have the scrofula break out on me since I came here and all I get is a lump of oakum and wrap a bandage around it every day. I think at least I should be given medicine to clean my blood. Another thing is that the inmates who were put over the men in the shops should be done away with. They are the main cause of keeping men here so long as it helps them out of here by doing it. Also that if every man here was allowed a certain amount of tobacco there would be more men earning paroles than there is at the present time. I also went to the general superintendent himself and spoke to him about it; that is, about Dr. Wey refusing me and he told me to let Dr. Wey have his way and I refused to let him cut me any more and I have to show now on my neck two holes that are running a little all the time, but still it is getting worse all the time. Dr. Wey believes in letting nature take its own course, and that any medicine given for it does no good. I believe just the opposite. A man, no matter what he has done, when he has been sent to any penal institution, or reformatory, is entitled to a certain amount of medical treatment. In every prison in this country when any of prisoners are sick or anything wrong with them are given what will cure them if possible. Gentlemen, what I tell you here I faithfully believe I am entitled to. I don't like the idea of going from here all cut up, or having my neck wrapped in bandages. If I was a free man, which I hope to be about March, 1894, I would take care of my neck, which I can not have done here. This letter I now send you is the truth, whole truth, and nothing but the truth. I now bring my letter to an end, hoping that you give my letter a little attention and to have Dr. Wey give men medicine when they are in need of it as I am at present time.

I remain, yours truly.

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No. 148.

Sept. 27, 1893.

Mr. Hol Oscar Craig:

Please I wish to know if I will be treated better than I have been before. And I would like to know if I can get a better show. I have been in a red suit twice and I would like to know whether I can better educated and I would like to know if I can have my head quiet. I have been in the reformatory twenty months, no trade and no education. I haven't learned nothing. I wish you would let me learn something.

No. 149.

Dear Sir.—I take pleasure in writing you these few lines giving you my opinion of the reformatory. I have been here for six months; the treatment I have had is very good. I have failed in studies a few times, and I did not get a dollar's worth of reports, and I went to see the general superintendent and he held me from going in the red suit. The stuff we get to eat could be better.

Yours truly.

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No. 150.

Sept. 26, 1893.

Dear Sir.—I have been here forty-one months and four days, and I was three years in the red suit, and I was not treated right. I do not think that one inmate ought to have authority over another inmate. In all the rest of the rule I believe in, and I was here two months when I went in the red suit, and I think it is not right to give a man a notice when he is only on the lower first grade one month.

I remain, yours truly.

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No. 151.

Elmira, N. Y., Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—In compliance with your request for a statement from me, as to my treatment while in the reformatory, I would say that I have no cause for complaint, but on the other hand have been treated with all the consideration due a prisoner. On my part I have done all in my power to conform to the rules and regulations governing the institution, and therefore have no cause for regret. However, I will say this much, that if a man behaves himself, he needn't have no fear of any punishment, and his treatmen while here will be governed by his conduct. You will please to understand that this is my voluntary statement, and the whole truth as regards myself.

Respectfully submitted.

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No. 152.

Sept. 27, 1893.

Dear Sir.—I have been treated fairly, and I went through everything, was in the red suit, was down in the bath-room and

got paddled, was put in the foundry for crookedness. I am in there fifteen months now, on task, still I believe the treatment I received while here will make a man out of me when I gain my liberty. I got paddled once, and if I did not get it at that time I would probably be in the lowest grade yet. I had little or no education when I came here, now I am in the highest class (A) in here and pass 100 per cent every month, and the bricklaying and molding trades I learned while here. Dear sir, I am up here two years; I have tried to make the most of my time, tried to learn all I could and only for one miss I made I would be home one year ago. I wish to state that I would not wish for any better treatment; if a man tries to get along here Mr. Brockway will help him. I know by experience.

Yours respectfully.

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No. 153.

Elmira, N. Y., 6, 26, 1893.

Dear Sir.—As regards my past experience while at the New York State Reformatory, which is but eight months, I have had the best, as I should call it, of everything, as I have, since my admission, had my mind made up, and the intention of becoming an honest citizen, and I can say, as I have followed these intentions, that any man that thinks much of himself can do the same. All that I really can say is that the N. Y. S. R. is everything that it should be expected to, speaking of my experience. And Mr. Brockway has always done just what I think has been to my own advantage for my future life.

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No. 154.

Sept. 27, 1893.

Hon. Mr. Craig:

Dear Sir.—I have been "paddled" on two or three occasions, and each time struck over the face with the strap. It was very painful then; perhaps I thought it was cruel, but I am over it now, and I was "glad when it stopped."

Yours truly.

No. 155.

N. Y. S. R., Elmira, Sept. 26, 1893.

Hon. Oscar Craig:

Sir.—I was received at the reformatory on the 21st of March, 1892. I was not very well up to the ways of the reformatory, and was reduced to the second grade four months after I came here. I was in the second grade three months, when I was promoted to the lower first. I was in the lower first eight months, when I was promoted to the first grade, or blue suit. I was made an officer and hold a position of trust. I do the best I can for to get home, for my mother and father need me. My crime was not a very serious one, only taking a few trifling articles from the New York Central railroad. I want to go home so I can help my parents, for I think I know how to take care of myself now. Please allow me to add that my own opinion is that there will be no crookedness or paddling in the bath-room if there was a ration of tobacco given to each inmate.

I remain, yours respectfully.

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No. 156.

N. Y. State Reformatory, Elmira, N. Y., Sept. 26, 1893.

Hon. Sir.—I have been confined in this institution since April 23, 1892. I have been twice in the upper first grade. I lost my grade on the twenty-sixth of last December, for having tobacco in my possession. I gained the grade both times in a possible six months' time. I don't think that I should of lost my grade for the offense. But if I have been here a long time and I can say with a good heart that it has been of great benefit to me in some ways. I have passed from one of the lowest classes in school to one of the highest. I have not had cause to complain of the treatment that I have received since I have been here. I have always held a position of trust in the institution, and am now a first lieutenant of one of the companies in the regiment. I was sent here for carrying concealed weapons, from New York, and have hopes of getting the January board, should I hold my grade. The only thing that I am afraid of now is that I may fail in school. My school promotions have been very rapid, and I am afraid that I can not pass in the high classes. I spoke for myself only. I say again that I should of gained by liberty sooner, but it is my own fault that I have not done so. Hoping your investigation may end in a way satisfactory to all concerned,

I remain, yours respectfully.

No. 157.

Sept. 27, 1893.

Hon. Oscar Craig:

Dear Sir.—I write to tell you the truth and nothing but the truth. I was received in this institution on the 18th of Nov., 1892. I went before the superintendent in person, he told me how long I could be kept here and so forth. I told him I had no friends in this county. I told him I had a father and mother and twelve more brothers and sisters in England, living. He told me I could receive and write a letter once in two months. I wrote to my cousin whom I have in America. And also to another one in Canada. If the letters was sent that I wrote I should have received an answer, but now, being in this reformatory very near a year, and have not even had a letter from anyone at all, I know that there is some mistake somewhere, but, of course, I don't know nor can't tell. But I have got too many good friends outside not for them to write. I think when there is a letter for me in the reformatory for me I ought to receive it. I left about fifty or sixty dollars for my lawyer to collect for me, and he told me he would send it to the reformatory for me or put it in the bank for me until I come out. And I come here and wanted to know what had become of the money whether he had sent it or not. I asked to write to him but I was not allowed to, so I don't know what has become of it. It is very strange that I can not receive any letter, the lawyer said he would write but I can not tell were he did or not. I think when a man is shut up in a country where he has no friends that if there is a letter for him he should ought to be let to read it. I would be very pleased if I could write to the atty. and find out about the money. I am a poor, hardworking lad, and, therefore, I can not afford to lose it.

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No. 158.

Elmira, Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I write to you to inform you that I have been here eighteen months, and if I had my just rights, I should be home. My demeanor since I am here is all right considering the place I was put in the foundry when I came here and I told the genl. supt. that I was not strong enough to stand that work, but he told me to try it, and it broke my health down so the doctor took me out of there and put me in the gym. where I am now, and I was also put too high up in school.

I asked to be put down lower but they would not until I had lost a good many marks as you can see if I was put where I ought to be put in school and work I would have made a parole in one year, school and work is all that keep me here this long. I wish you would carefully look over my record and give me a chance to explain the labor reports that I got for task shortage, I don't deserve for I was not strong enough for to do the work, my health is been very poor since I came here, and the hard work that I was assigned to is the cause of it. I reported in good health when I came here. Please investigate the matter, and oblige,

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No. 159.

Sept. 26, 1893.

Dear Sir.—I am very glad that some thing like this has happened. There is a very bad thing to get taken down in the bath-room for the sake of a report. I must say that I have been there once myself. I did not know what I got struck with when he hit me I fell on my knees and for the sake of all the other men that I know that have been there is a great number of men in the reformatory to-day that is afraid to say a word. Dear sir, I must say I have been here for sixteen months and when I came here I did not know what four and six was. I did not know how to read and write. I will not find any fault with the general superintendent. As far as I was, if a man does what he knows is right, he will get out in a year. I have been put in red suit for the loss of school marks. I would have been home long ago if school did not harm me. I would go before this board if I did not lose a mark in school; that will keep me here three months. When a man go in a first grade the general superintendent says to him if you be in the first grade four months you can go to see the board of management and see if you can go home. But I know men have been in the grade ten months before they went before the board. I must say that have learned a great deal since I have been here. I was in P 6 when I first came here and now I am in P 2, and must say that, in the line of adding, I am not afraid to take any.

Yours truly.

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No. 160.

Elmira, N. Y., Sept. 26, 1893.

Dear Sir.—I am in the reformatory eighteen months and since I am in it I got treated first rate and Mr. Brockway is helping

me along to get my liberty once more, and if I was not sent here I guess I would be sent to a worse place than this. I don't like to hear of Mr. Brockway getting into trouble for I know what trouble is. If I keep on the way I am doing I think I will be out of here pretty soon. I know the reformatory has strict rules and if a man wants to keep up to them he can do it if he wants to. Some fellows don't care just because they got a maximum term of two and one-half years and they say they can do it; they want to run the reformatory.

Yours truly.

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No. 161.

26, 9, '93.

Dear Sir.—The following statements are correct and nothing but the truth. I came here on the 22d of January, 1891. Since then, having been twice in red, black and blue suits; reasons for being in the red grade, fined the instances reports, and the second for escaping and in connection with the last I was put in the foundry. The results of the foundry was to break me down physically, so that I had to be put in the gymnasium for treatment. I remained there about six months and was getting back to a normal condition when I was removed from there and put back in the foundry again where in about six months I was a fit subject for doctoring up again. Dr. Wey done what he could for me by giving me medicines (which did me no good) and I am in about the same condition now as when first put in the gymnasium for which I received no treatment. Why, I was taken out of the gymnasium before going through the course I don't know, but this I do know that when taken out I was not in fit condition to do the work in the foundry. But I had to do it and did it until I could do it no longer. As for what I can say in favor of the institution, one thing is this, that trade instruction given here when I first came here was thorough and men had a chance to learn a trade, but since men have been put at tasks industries and only have two hours on two evenings of the week, they can not learn enough at these trades to enable them to get situations as the men are required to do. The educational system is good and I don't think it can be improved. As for running away I am compelled to do my whole time, but why should I not have a chance to lessen it by good behavior.

No. 162.

Elmira Reformatory, N. Y., Sept. 26, 1893.

Dear Sir.—I was sent to the Elmira reformatory on the 21st of February, 1892. When I went before Mr. Brockway the next Sunday he asked me what trade I would like to work at. I told him that I had served two years and a half at the plumbing, and he told me that I would not be able to work at it when I left the reformatory, and I would have to go at iron molding. I told him I would try my best to get along no matter what he put me at; so I went into the iron foundry to work, and I can not get along there at all, as I am subjected to a pain in my left side. As my mother and sister died with heart trouble I think mine is affected. I went to the doctor about it and he told me it was from drinking whisky outside. I can take an oath that I never drank a quart of whisky in my life, and he never gave me anything for it. It is bothering me at the present time. I have not got along in my work, and I was taken down to the bath-room last February, and was paddled by Mr. Brockway. After he got through with me he asked me if I would do my task now, and I told him that I would do the best I could and I always done it. He told me if I wanted to live I would have to do my task. He took me down the next month and paddled me again. I was in the red suit a year, and the food is something terrible for an institution of the State of New York. I got better food in the tombs in New York than I get here and I have to work like a horse. I was in school one night when I was here about a month and I heard the instructor tell an inmate that he spoke to him about ten times without standing up, and that called for a good ass warming, and every ass warming took ten years off his life. The inmate said he only had three months more and he said he seen men killed in less than three months. I write nothing only what happened to myself. As for him cancelling a report for you, it is not true. I have got reports for talking in the wrong, and I have three witness ready to swear that I was not talking. They will always take the reporting of officers word before yours. I tell you it is very hard for a man to get up on a cold winter's morning and get a cold cup of water and cold hash for breakfast. He don't have much heart to do a heavy day's work as they do in the second grade. The first grade is all right, but the lower first and the second get to suffer, for it is a surprise if you get a piece of meat in your stew, and you get about five good spoonfuls of beans for dinner on Thursday.

No. 163.

26, 9, '93.

Dear Sir.— You requested us to state our opinions about the superintendent. I think the superintendent is a gentleman and treats us all right. When I came here six months ago he had a suit made for me and helped me to get along. At first it was hard. I am the smallest boy here, and if I can stand the whipping I should think the rest of the larger ones could. There are some big bullheads here what would not be satisfied with a palace in heaven. They disobey the rules every day and then wonder why they get reports. I had not ought to be here because I was not 16 years old when I came here, but it is my own fault. I told the judge I was 16 years old because I thought I could get out sooner. But now that I am here I mean to obey and earn a parole.

Yours respectfully.

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No. 164.

27, 9, '93.

Hon. Oscar Craig:

Can you do me a favor? I had not a show since I am in the reformatory and I am getting spanked for every yellow report that I get, and I am in the red suit for nothing and Mr. Hoppe caught me by the throat and was going to choke me and Mr. Brockway is no man for the reformatory, and, I think I ought to have a show in the place. I have a mother and five children outside waiting for my help and Mr. Brockway never treated me like a man. He treated me more like a dog. I can stand to be worked around like a dog for the least little thing that I am not guilty for, and after a hard day's work in the hardware shop we come in at night and get nothing but bread and water for supper. If a man should be a man he should be treated like a man. And can I (?) you an interview I can explain the matter more plainly than I can write it.

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No. 165.

Dear Sir.— The only thing I complain about is the flogging. I was flogged three weeks ago and I have pains across the back and kidneys ever since. They took me down to the bath-room and while Mr. Sample held me the superintendent flogged me across the back, and he takes me down for every yellow report that I get for talking. I do not think that is justice

to take a few men down and flog them for one report, and let others get as many as thirty or more for the same offense. The reason that he does this is because I was in that trouble last January, which, I guess, you must of heard of, but it says in our rule book, that no matter how bad a man's past conduct was if he tries to be a better man it is all forgotten. But that is not the way they do here. I have been in the red suit eight months now and I try to get along but it is pretty hard to be whipped for every yellow report for talking to a man when he only gets fined thirty cents. The reason that I am in the red suit so long is that I am down for a year, this being my fourth time. It is on account of the flogging that we get here that all of the men try to get transferred to State prison because we get treated like a man up there. If there is any way to stop it and you can do it the men will never forget you, for when a man works in the foundry all day and gets flogged say once a month or more it does not take long to break his health up. This is all I have to say.

I remain your obedient servant.

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No. 166.

Sept. 26, 1893.

Hon. Sir:

Complaints.— Not allowed the use of tobacco. This is one of the things that keeps a good many men here. Do you think it is right to keep a man here already two and one-half years, and I will have to stay at least sixteen months longer before I earn a parole. This is all on account of tobacco. I have been used to it and can not be broken from it; will use it whenever I get it.

1. The system of promoting convicts to officers such as sergeants, lieutenants, captains, etc., and thereby giving them power over other men is injurious, too much spirit of revenge is thereby allowed to play, and one officer can report any men who he has a grudge against. His word will always be taken against the privates unless the private can bring forth positive proof which is hard. Col. Bryan is often unjust; he is a man who shows partiality.

Good accomplished in this place in regard to myself:

I. I am a better man. I would not do anything wrong, if not out of ethical principle, then from fear of the law.

II. I have become a musician, able to command three dollars to five dollars a day.

III. I have become a fresco and sign painter; house painting I learned outside; am able to command two dollars to two dollars and fifty cents a day.

IV. Mr. Z. R. Brockway (with the exception of reduction for tobacco) (which I don't believe in) has treated me as man ought to treat another, fairly and squarely, in fact, as a gentleman.

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No. 167.

Gentlemen:

Sir.—I have been here three years, and I am no better off than the day that I came here. I have been paddled four or five times and can show the marks on my body to this day. I was caught with some tobacco, and was put in the solitary for five days, and every day the colonel came to me and tried to make me tell where I got it from, threatened me at the same time if I did not tell he would get me paddled. I can not blame Mr. Brockway for what he has done to me, but if the inmates would be made to use a little judgment in reporting a man it would help a great deal. And also, whenever I sent a report back that I did not deserve, and God knows I have told the truth, time and time again, I never got any justice from him at all. I would always get the report back and also a chocolate with it. The food is not fit for a pig to eat. A man in the red suit, doing a hard day's work in the foundry, come in at night and eats bread and water, gets up in the morning, and does the same. The hash some mornings has cat — or a dead mice in it, which no human being could eat. A man gets a chew of tobacco and gives it to some good-looking boy; he can take down his pants, and * * all for a chew. It is a common occurrence to hear of anybody getting the same done to him as a woman (?) (?). What I say, it is the tobacco that does it. And another thing, it is unjust to put a man down for school. I know two or three men that have done five years mostly for schooling. Before I close I just want to say this, if it lays in your power to deal justice to do it by having that man, Colonel Bryan, removed, for he is the man that has made all the petty rules here. Who is going to do * * five years.

Oblige an inmate.

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No. 168.

New York, Sept. 27, 1893.

Hon. Mr. Craig:

Dear Sir.—I have never been ill-treated since I entered the reformatory. I will tell you I don't think I am getting a fair show.

I have got a pretty good record since I came out of a red suit, and I am trying to do what is right, so I should think Mr. Brockway ought to give me a little show. I have got a poor old mother at home that has to work hard every day for her bread and butter. Mr. Craig, this is my first offense, and I should think you ought to help me, if you possibly can do it, for my poor old mother's sake, if not for mine, who sits up night and day worrying about me. Please be so kind enough and leave me know if you won't do something for me. I will be very thankful to you if you do, and never forget you for it; do it for charity sake, if not for anything else. I give you my word and honor if I ever see the outside world again I will be a good citizen and do what is right. This has learned me a lesson. I beg you to leave me know if you won't help me. I will never forget you for it and think it a great favor of you. I have got four nines, one eight and one four; that is a good record for six months since I came out of the red suit. To lose five marks out of fifty-four marks; that shows you I am trying to do what is right. This is all I have got to say.

Remain yours.

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No. 169.

Sept. 26, 1893.

Mr. Craig:

Sir.—I have no fault to find with the superintendent, Brockway, at all.

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No. 170.

Sept. 27, 1893.

Gentlemen.—You can not imagine how grateful I am to you for this privilege. For since my arrival here two years and eight months ago, justice has never entered the inside of these walls to my knowledge, until last evening when you gentlemen came. I can give you many examples of the cruelty that inmates have suffered at the hands of the superintendent. They have been sent home crippled for life by the superintendent's own hand. He flogs them with a strap soaked in water. Those that may have power to do him harm he gives situations of responsibility and aids them in getting along through his own partiality especially paroling them in some cases, promoting them in grade in other cases. But in regard to myself I would like to have a talk with you upon the matter in the presence of the superin-

tendent or his representative. I hereby give you a full account of my own case and three others I deem necessary for you to know. Myself.

When I arrived at the reformatory I asked the superintendent to teach me something that I could do with one hand (I have but one arm). I preferred bookkeeping. I was here about eight months before I was far enough advanced in school to take a situation of that sort. I then asked the superintendent for the second time to give me a chance. He put me in the G. R. office copying, but I was allowed to remain there nine months because a paroled officer (Mr. Wooley) did not want me to get any higher but instead he reported me and did not report the other clerks for mistakes. I went to the superintendent repeatedly but was left to myself. In about nine months this paroled man succeeded in getting me off out of the G. R. office and assigned me as a messenger where I was allowed to remain until my parole was authorized; there I was, my parole authorized and could not get employment for the simple reason that I had no specified thing in which I could secure employment. I then asked the superintendent to teach me, then I received the following answer: "Wait a little." ———— received a first-class report for lying at report investigation. I received one for writing a note to another inmate asking for a chew of tobacco. We both lost three marks for the reports (three marks each), but my report was cancelled and his was not. Afterwards I was reduced to the lower first grade for having some tobacco in my possession. Then ———— and myself were reduced to the second grade for having a chew of tobacco. He was allowed to retain all the privileges he had, and I had to lose all of mine, and was put at hard labor in the hardware, grinding on emery wheel. I did not object to this as long as I was in the second grade, but after I had earned my restoration to the lower first grade I asked the superintendent to give me another chance. But he replies, "Wait until I regain confidence in me." Now ..... committed forgery in this place and was reduced to second grade before this accident of his and mine, and since his reduction has been in trouble while I, on the other hand, guilty of nothing but having a chew of tobacco in my possession, and never was reduced to the second grade before as he was. Am not placed on an equality with him regardless of the fact that I am a L first grade and he a second-grade man. Gentlemen, I have been here now two years and eight months and could not, if I was set at liberty to-day, earn a living honestly, for I have not the means to earn it with. Don't you think I am entitled to a chance after nearly three years imprisonment.

The other statements:

1. A man by name ....., No. is in the twenty-seven hundreds was specially paroled in 1891 by the superintendent for mere gratitude, having been in the institution for but eight months.

2. ..... was reduced with several other men to the second grade for crookedness. The other men were put in the shops to work while ..... was promoted to assistant editor of the Summary, and was afterwards specially paroled by the superintendent for mere gratitude.

3. ..... were both reduced to the L. first grade for smoking tobacco, both confessed of having been equally guilty of the act, but in about two months the superintendent promotes ..... back to the upper first grade, and tells him he is going to give him a special parole, but he leaves ..... where he is in the L. first grade. His right demand for him the same privileges that ..... has. Is this right?

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No. 171.

I had five years when I came, but after one year here seven months I get this. (One inclosure.) I wish I could see you.

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No. 172.

I have been here about eight months, and I think before I am here eight more I will be starved to death. They give you bread and water every night and in the morning you get something like hash, with bread ground up among it so you can eat it, and noon you get a little hot substance that they call stew. Mr. Brockway keep me in the cell that had nothing in it for four day and four night on bread and water. I was never down to the bath-room where he licks the prisoners. I have seen enough of that. They would come out with black eyes. But he give me a notice for the bath-room. Here it is in type write. That is what he gives you before he takes you down, and then if you get one report after that he will give you twelve hard one; that all I know about the place. This is the truth, the whole truth and nothing but the truth. Written by (here is the notice).

(One inclosure.)

No. 173.

I don't quite see, too old. I see that the old man is gone to stay and don't you forget it.

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No. 174.

Sir.—I can be nothing but grateful for the privileges which I enjoy and for the treatment to which I have been put under. When I came here I could hardly read English (being an Austrian) but now, thanks to Professor Monks' teachings and to the compulsory system, I am able to understand Shakespeare. I have been ill; during my illness I received the most kindly treatment enjoying the gymnas. with its Turkish baths and its healthful exercises. In fact, the citizens' officers treated me always like a man. The only thing I find to complain of is the system of inmate officers, because, if you have something to "square" yourself, you are all right, but if you have not, God help you. I received, since I have been here (two and one-half years), about 300 reports; seven or eight of them are from citizens officers; the rest from inmates. They are worse (the officers) are always better than mine, even if the officer is in a grade lower than mine. You see I can't prove that I did not raise our hands, or anything like that. I will relate to you of a grave injustice to which I have been subject through an inmate officer. When I came here the superintendent assigned me to the band, but the inmate instructor having a strong dislike for me, wrote a note to Mr. O. Hoppe saying that I was not "able to play and will learn." Mr. Hoppe, without examining me, notified Mr. Brockway how things were supposed to stand, who changed the band-room for the foundry where I worked in the lowest grade for nine or ten months. A year or so after these changes I found myself wearing again the band uniform, which to this moment I wear.

P. S.—Inclosed find three reports which I received this month. I had another one, but I can't find it. The offense is for listening to another inmate.

Yours truly.

(Three inclosures.)

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No. 175.

27, 9, '93.

Dear Sir.—I can not say nothing about this institution which is good but the gymnasium. That is the only place where you

get treated right. I was in the blue suit and the superintendent came to my work. I couldn't do my work; it was too hard. I was sick at the time. He didn't do it; is that the way to do when a person is sick? I would have been home if had of changed my work. I am in a red suit now, but I will look for the future. I can say more about the institution, how the people get hit when they go down in the bath-room, when they come out of the bath-room they have black eyes. Inmate officers will give the inmates report just to get out themselves. We get bread and cold water in the red; we get soup too. No tea. I would sooner be in any prison, Sing Sing or any other prison. I hope you will give us justice and mercy. I can say more.

Yours truly.

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No. 176.

Dear Sir.—Please take me out of the shoe shop for I can get along. He is fighting with me from morning to night. I can't get along with bread and water and I would like to work in another shop. By doing so you will oblige.

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No. 177.

Mr. Hon. Oscar Craig:

Dear Sir.—When you come here they put you at military for three weeks; then to learn a person they beat him with guns and kick him and if he should say anything about telling superintendent he will give them first-class report. Coming from service on Sunday morning I went the wrong way to my room, so Mr. Sample seeing me over the north side he asked me what I was trying to do, so as I being a new man in the reformatory I say to him, to my room of course. The next day I was taken to the bath-room in front of the general superintendent and he also asked me the same question; I told him I was going to my room. Then he said I was not going to my room. Then I told him I was a new man and made a mistake. Then he hit me with something he had in his hand. I think was a pencil, he struck me in the eye, that I could not see for about five days, with the point of the pencil, and also left a few black marks on my face. For nothing at all I was punished. This is what he says on the report.

(One inclosure.)

No. 178.

Elmira, Sept. 27, 1893.

Mr. Craig:

Dear Sir.—I write to tell you I have no fault to find with Mr. Brockway at all. He never done me any harm, only twice he took me down and spanked me, but it was my own fault to be taken down there, if I had done what was right I would never have been taken down there at all. I was taken down for going to strike another man, and I had no right to do it, and I got reports, and I deserved them. If I had done what was right I would never get them. And I have nothing more to say, but to say it is my own fault to be like I am.

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No. 179.

Sept. 26, 1893.

Sir.—I only wish to say that I received punishment from the hands of the superintendent on June 22, 1893. As space is limited I wish to ask you to look up the cause and let me know if I am to be detained here my full time. I wrote notes in regard to escaping, but I made no attempt. I wish to make a parole, and do not think it justice to keep me as long as I made no attempt. I would like to know what you think on the matter. The punishment I received I deserved, it was severe, sufficient for the offense.

Very respectfully.

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No. 180.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—Pursuant to the invitation of Mr. Brockway to present our grievances to the investigating committee, cheerfully avail myself of the privilege. I was, during the latter part of March, 1892, between the twentieth and thirtieth, subjected to corporal punishment by Mr. Brockway, which included a black eye, which I carried around with me two weeks after. I was also subjected to corporal punishment twice in the following month (April). I would also like to call the attention of the committee to the rule of the institution depriving any second-grade man from communicating by letter or otherwise with his friends or relatives. The food is horrible and the meat very often stinks. Flies and bedbugs are common. The bread which is left over from meals, and which is often picked up from the hallway (where it has

been thrown by inmates) is the majority of a compound called "hash," served daily. Every word of the above is true, as can be found by investigation.

Respectfully.

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No. 181.

Elmira, N. Y., Sept. 26, 1893.

I can not say anything against the superintendent, as he always used me right, except putting a man that has not physical strength in the foundry to carry iron, and it is too much for me, so I am sick more or less. But other ways I can't complain. I have nothing more to say.

Hon. Oscar Craig.

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No. 182.

Sept. 27, 1893.

Mr. H. O. Craig,

I would like to get a little better to eat. A man can't live all his lifetime on bread and water, bread and water for supper. The hash we get in the morning we can not eat it, so if we could only get some tea for the morning and evening it wouldn't be so bad. How do they expect a man to work without something to eat. I am getting weak eating bread and water in the morning and evening.

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No. 183.

Tuesday, Sept. 26, 1893.

Hon. Oscar Craig:

I have not much to say about the case as I am a new man only five months and been treated fairly as a prisoner. That is all I have to write about.

Yours truly.

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No. 184.

New York State Reformatory, Sept. 26, 1893.

To Hon. Oscar Craig:

For the short time of six months that I have been in the reformatory I have received treatment as a prisoner should receive.

The truth from,

No. 185.

Gentlemen.—I am up in hospital and have not been supplied with paper or an envelope to write to the committee. If you will be kind enough to send the same to me I will then write what I desire to communicate.

I am respectfully.

P. S.—I did not hear of this lecture you gave until too late to write.

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No. 186.

Dear Sir.—If I did not mind my own business I would be in trouble all the while and I have always had my rights and that is all I wish for.

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No. 187.

(Original in French.)

My Dear Sir.—Since I have become an inmate of the institution I have only words of praise for the care and indulgence with which I have been treated, not having the advantage of expressing myself in English since my arrival. I was placed in the special class where my highly meritorously instructor has been diligent in teaching me by myself. I have had no bad treatment to complain of and am doing all in my power to win the confidence of the managers. I hope that this state of affairs will remain until they find me sufficiently reformed to restore my liberty, that with the treatment of the institution I may henceforth be saved from wrongdoing.

I am, respectfully.

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No. 188.

Elmira, N. Y., September 26, 1893.

Hon. O. Craig:

Dear Sir.—I have one statement to make about the institution in which I am to-day. I have been treated with as much respect as any man would need for the short period of time that I am now here. But there is one thing which I think is not very just for an institution as this is. The meals

which I receive is not at all satisfactory to me. I do not think a man can keep himself very strong if he receives such meals as we do. We receive meat three times during the week, and still we have to run our chances whether we can find any in our ration. Thursdays we have beans for dinner, and I can swear to you that it would not take us two minutes to count them if they were whole. The rest of the days we receive plain soup. This is all the complaint which I have to make about the institution. I remain,

Yours respectfully.

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No. 189.

I am here eighteen months and I have got seventeen dollars and ninety-five cents worth of reports. And that is all I have got since I am here. And the superintendent put me down in the red suit four months ago, and I have made last month a nine, and he took me out of the grade (?) I ought to be in, the blue suit, if I was treated right. This is all I have got to. I hope it will do some good for me and all.

Good-bye.

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No. 190.

N. Y. S. R., Sept. 27, 1893.

Dear Sir.—Here is the kind of notices we get, and I have been down to the bath-room three times, but the superintendent let me free twice and the third time he hit me a punch in the eye. I do not say it is very wrong, but to be spanked or kicked is a very mean thing, and besides us poor red-suit men are deprived of a lot of things we could get. Cold water to drink in the middle of winter to our bread and molasses, and the letters that are kept from us makes us worry and cry all night, thinking of our father and mother, and I think if we were allowed to have them some of us would brace up and get out quicker, as it would make us feel sad, and not be talking. I don't intend to run the reformatory down, but I think any ordinary man or boy would want a hot cup of tea for breakfast to warm us up, and to do a day's work in the foundry, or any other place, on water is not very agreeable. And I beg of you to kindly take it into consideration and oblige inmates.

(Two inclosures.)

No. 191.

N. Y. S. R., Sept. 26, 1893.

Mr. Craig, Esq.:

Dear Sir.—I arrived here in July 1, '93, weighing only 147 pounds and to-day I weighed 176 pounds. I have but one complaint and that is I don't get half enough to eat. (Did you ever know a man to get fat on shadow soup and bread?) I could eat nearly all the meat that I got here so far in one meal, but for all that if I keep on getting fat I can get a good job as a freak when I get out. I mind my own business here, and so far so good, and with the help of the Lord and a little of my smartness I intend to keep good. You can easily find out if I am telling a lie about my weight, the books and scales don't lie. This is from a hungry kicker.

N. B. If I could get tobacco you could not chase me out of here.

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No. 192.

Sept., 1893.

Hon. Oscar Craig:

Sir.—I received some bad treatment while I was in the red suit where I was paddled across the kidneys there was blisters so that I could not raise on my back and they was about half an inch high. And I got hit in the eye for turning my head. There is a scar on my eye to this day. This was done all for reports and nothing else.

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No. 193.

9, 26, '93.

Hon. Oscar Craig, Esq.:

Sir.—My object in writing you this note is in regards to the food of the institution. I think it should be a little better. In other respects I have no remarks to make. I have seen nothing wrong since I came here, which is about five months ago.

Respectfully yours.

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No. 194.

Sept. 26, 1893.

Gentlemen.—I have been here near three years and have been very near home, but these inmate officers has kept me

here, and school; I have never been in a crooked deal, but I am kept here just the same. Oh, hash! hash is not near what a man should have to execute a hard day's labor we are expected here in the foundry. I should be sent out of this place at once. One man gets butter and all the good things and others get bread and water, and others get hardly anything. I am not able, in my mental capacity, to cope with others in studies, and that is the reason I am kept here. If a man crooked he go home and if a man is honest he stay here. That is all. I am here very near thirty months and I have been honest too and that is the reason I am kept, but the superintendent don't know that I mean to be honest. I hope you gentlemen will consider my case and let me go home for I deserved it already.

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No. 195.

Sept. 26, 1893.

Dear Sir.—I am not able to work in the foundry on account of my back and pains across my chest. Five or six years ago I fell almost 100 feet and hurt my back. To-day I was not able to work and I stayed in my room; when the doctor came he said that was nothing and gave me a report of one dollar. I can't rest nights on account of pain all over my body. I am willing to work and love to work, but I can't stand it in the foundry, unless there is something done to take me out of the foundry, it will kill me in less than four months. I am not very stout, but if I had work that I did not have to carry anything heavy all the time I could get along very nicely.

Yours truly.

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No. 196.

Sept. 26, 1893, Elmira N. Y. S. R.

Dear Sir.—I will be very glad to explain myself to you and my statement is true just as sure as there is a God in heaven. I think it is a shame to have a man working in the foundry all day long and not give him a thing to eat but bread and water. And if you don't do your task you will go down in the bath-room and you will get spanked. I am working in the foundry twenty-seven months now and I am nearly starved out for the want of food. I don't think I have had ten pounds of meat to eat since I have been here. If I don't do my work I will go

down in the bath-room, so I use all my energies to do my work so I will not have to be taken down to the bath-room. I don't want to go out of here a corpse. I want to get out of here alive; if I would get enough to eat I would not care to do a hard day's work.

Yours truly.

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No. 197.

Sept. 26, 1893.

Mr. Craig:

Dear Sir.—The complaints I have to make are as follows: The quality of the food is poor and there is not a sufficient supply to each man and he has to resort to bread to finish his meal. I was deprived of tea or anything warm to drink for seven months while in the red suit. I had to go to work on bread and cold water and return to it in the evening after work regardless of the weather. I was reduced from the highest grade to the lowest for the use of tobacco. Other men in the same scrape with me was let go with a report. There is no common basis for any violation of that rule. I never received physical treatment of any kind since I entered the reformatory but I have seen many cases where it has been applied. I am liable to receive it any day and am anxious to prevent it. There is a great injustice done to the men by the system of inmate monitors. Old grudges can be paid up and it can be fixed for your friends. This statement pertains exclusively to myself and I have stated the honest truth, so help me God.

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No. 198.

26, 9, 93.

This is to certify that ———— is going home when his time is up. My reason is because I have got a home and I will appreciate it when I go to it again. Why have I been here so long? Because they have a system of discipline which I can not endure. An inmate over another who is much his superior in every particular. I worked hard as any man because I am not in the same grade I don't get the same food, but get what they can't dispose of in the dining-room By keeping these and tobacco from a man it makes him a worse thief than what he was before he came here. I know how to steal and not get caught. I did not know that before I came here, and above all we all want

a better treatment than what we do get. They tell a man that an officer has no right to hit him. But if he is hit by an officer he is locked up and gets paddled for speaking back to this man who has broken a rule worse than what the inmate has done. If he retaliates (the prisoner) he is liable to be taken to court for assault and get five years in Auburn State prison or taken to tht bath-room and get knocked to pieces by the superintendent. and his subordinates who know as much about corporal punishment and how it should be administered as the man in Bloomingdale asylum. Stamping a man, beating him with a club, starving him to death and not giving him medical aid until it is too late, putting brutish officers over him, having another prisoner over another, do you call that reform? I say no. All they care for a man here is his work. If you can't accomplish as much as another man you are liable to get a good flogging for it. Can every man do the same amount of work? I say no, from experience. All persons should have the same chance. Because a man is a negro he should not be treated worse than the rest. But that goes here for I am one of them. I don't get the same treatment a white boy gets in here. But still what reforms a man it only makes him worse. So better food, better treatment and you will get better reform. Bad treatment, bad food, makes bad reform. I know from experience. I will tell you here this is the worse plan the world ever knew. If you was once of use you could see for yourself there is no chance for me. That is why I am going to do my time.

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No. 199.

This opportunity, which you have condescended to offer me, is an abortion, if you don't allow me to support my statement verbally. I have a good deal to say, but at present I have neither time or paper enough to write it. What I do say, however, I request you to give it more consideration than to look at it and then throw it in the waste basket. Here is a few of my complaints. I was detected writing a note to another inmate. The result was this: The superintendent took me to the bath-room, stripped and flogged me, more on the head than anywhere else, simply because I refused to tell him to whom I was writing. The next morning I was unable to open my eye it was so much swelled, and my head was covered with lumps. It was black and blue, also, so was my body. Yet his tyrannical measures was an abortion, he could not get the information he desired. My next complaint is this: He allows the

"officers" in the shop to fail me without giving me an examination. Is that impartiality? Then, this month, I have been failed in work, without being supplied with the proper amount of tools. Here is something which exasperates me beyond measure: The "officer" in the shop gave me a four-mark chocolate report last July. I denied it. The "colonel" investigated it. This way: He asked the "officer" if his statements were correct; he replied in the affirmative. I told the "colonel" I could confute the mendacious statements of the officer if he permitted me to speak; he refused, on the ground that the officer was incapable of making a mistake or telling a lie. Consequently the "colonel" considered the officer infallible. That was not the end of it, though, because I offered to confute the "officer's" charges. I received another chocolate report for criticizing him. It was useless for me to go to the superintendent, because I went to him once before about a charge of May tenth. I asked him to investigate the two charges against me, and got a reply to the effect that the colonel had investigated the charges against me, and then I got a chocolate for asking him to investigate. I hereby enclose a few reports, every one of which I can confute if I get a fair dealing. Please investigate them, and oblige.

(Six inclosures.)

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No. 200.

Mr. Craig:

Dear Sir.— The general superintendent, Mr. Brockway, has sent me this notice, that I can not leave this place before three and a half years, because I told him I served two and a half years in the penitentiary. I asked Mr. Brockway to give me a change, and I would show him I would be an honest man. I am in the first grade fifteen months. I do not believe in the inmate authority. We are not allowed any tobacco, but there is man here that can buy the inmate officers, by giving them a chew of it.

Mr. Craig:

Dear Sir.— Please give me a chance and I can show Mr. Brockway that I can do right. I am here two and a half years now, and in the upper first grade fifteen months. If the men were allowed tobacco here there would not be so many going to the bath room to get punished. If I could talk to you I could do a good deal better than write.

(One enclosure.)

No. 201.

Tuesday, Sept. 26, 1893.

Mr. Craig:

What I have to say I hope many other inmates will agree with me. When I first came to this institution I hardly knew how to write my own name, and also as I never worked while I was a free man nor knew what work was, the reformatory has made a change in me both in work and in school. I am now learning a useful trade here (printing), which, if I had not been sent here, I might have been still loafing in the streets of the city, and after a time I would have developed into a hardened criminal. I am now here fourteen months, and during that time I have had advantages to be a useful member of society when I am a citizen again, such as I never had before. The reformatory has taught me self-control and also to withstand temptation. In fact, the reformatory has made a man of me. What I say is the truth.

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No. 202.

9, 26, '93.

Mr. Craig:

Hon. Sir.—I earned my marks, was promoted to the upper first grade, December 25, 1892. I was an officer and assigned to duty on the new extension. About January 7, 1893, I was called in and sat before Mr. Hoppe, the St. Col. and the school secretary. I was told by the first-named that they had a case against me, and was asked if I did not know what it was. They told me I went into a man's room that had done duty above me and that I had done wrong to the bread man (something immoral) also, I told him that I was innocent of that, and I was immediately smashed in the face and knocked off the chair. Mr. Hoppe said to Mr. Sample, "If you have an empty cell there chain him down, we'll see if we can't make you tell." After falling off the chair Mr. Hoppe took hold of my ear and walked me about the place, punching me as he went. I told him I did not want to be chained down as I had done nothing that would be considered wrong. He said, "Let him sit down." I sat down; Mr. Hoppe said, "If you don't feel inclined to tell the truth I'll have the superintendent knock it out of you." He also said whether I told or not he would have me reduced on suspicion for my impertinence, if nothing more. Here the three men named above whispered something which I could not hear. Mr. Hoppe then said, "Now, here is a chance for to save your grade if you are wise you will take advantage of it." I thought of my home and

mother, and you would do anything they asked of me at that moment. "If you out and tell us everything we'll reduce you to the ranks but save your grade. If you say you have done nothing I'll have you in the convict grade in twenty-four hours. You have my word as a gentleman, and these two men to witness what I say. Which will you do?" I am not an angel, sir, I would lie any time in a case like that, and you, no doubt, say, if I would lie then I would lie now. I was given this paper and I now tell you the truth. Under promises which I thought were good I lied. I told them I done wrong to two men on the gallery. Mr. Hoppe said, "That will never save you; you must tell us more." Sir, I was desperate then and cared not for anyone I might injure. I thought of his promise and what I might save by telling these untruths. When told I must tell more I then said I allowed two men to do wrong to me, and, sir, if ever a man spoke unjustly of another it was I of them. Mr. H. then said, "That's enough; I'll see what I can do." He did not keep his word, and I was reduced and God knows unjustly, and put to work in the foundry. Unjustly but not cruelly. In the six months I had to stay in the third grade, I got two yellows and was spanked each time. I don't say I was cruelly treated, but I do say unjustly. I gained the lower first grade the Fourth of July, '93, and this month's makes it three perfect months to my credit. I got a report for talking on the twelfth of this month, and received a type-write a few days later which read as follows: "I have omitted to send for you for error report for talking. You were talking on the twelfth. I would send for you to-day only I am occupied. You will be obliged to go down in grade unless you make an absolutely perfect record as far as offenses for talking are concerned." This is not cruelly, sir, but who can say it is not unjustly? I was reduced wrong. I have suffered; my people have suffered. They not give a man a chance. Barring this notice the superintendent sent me this month I have been treated pretty fair. The superintendent did not cause my reduction. It was Mr. Hoppe. I say nothing of the past, only ask for to be given a chance and not reduced in grade for one yellow report for talking, which a man is liable at any time to get by mistake.

I am, very respectfully.

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No. 203.

Oscar Craig:

Dear Sir.—I can say for one that I have lost my health since I have been here. All I have to say is, that I think I lost my

blue suit unjustly. I have been to the bath-room a number of times. When I came here I had good health. Now I am so bad that I can hardly get around. I am not able to do my work at all, nor I don't think I ever will be, unless I can get better food.

Yours truly.

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No. 204.

Tuesday, Sept. 26, 1893.

Hon. Mr. Oscar Craig:

Sir.—Mr. Z. R. Brockway is not too rough with his inmates. He wants to make true citizens out of bad criminals. He will treat you kindly if you obey the rules, but there are some tough fellows in here that don't care to make an honest living. But I do care to make an honest living. Mr. Z. R. Brockway is all right. Mr. Craig, I have eight dollars worth of reports in each month. I am bad and don't behave myself, and he sent me a kindly notice to make a better record, but I did not do it, so he sent me another notice to make a better record, and he added a little more strict words to it, and since he sent me that last notice I did not get a report in eight days, and if I behave myself he will treat me like a man. Mr. Craig, if you would run this reformatory you would give every one of those tough fellows a good spanking. That is what they want. Mr. Brockway never hit me. He had me down in the bath-room and let me go, and I deserved a good spanking to be good. Why, if you make an eight and don't get a nine he will take you from a red suit and put you in a black suit. I am telling the truth. If I am bad, I deserve something to make me good. He gives you lots of show to make a blue suit. Mr. Brockway is a good superintendent. He never hit me.

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No. 205.

Dear Sir.—I am glad that I have a chance to explain myself to somebody. It is a shame the way he uses the men in this institution. He has licked me seven times now, and only just because I got two yellow reports. The last time he licked me I carried the marks for two months, and if I should get two yellow reports now he would take me down to the bath-room and lick me and put me in the red grade. He has got me down for a crooked fellow, but I swear I am innocent of the charge, but he will not take any explanations from nobody. I have got seven straight nines now, and he will not let me go in the blue suit. I have

lost four pounds since I have been here, all through the way he licked me, and besides, the food we get ain't fit for a dog to eat, let alone for a man.

Yours truly.

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No. 206.

September 26, 9, '93.

Dear Sir.—I have been to the bath-room, as they call it, a good many times for reports, and now I go down for one yellow report for talking. I do not know as I deserve to go down for one report; if I get more than one report in the black suit I will go down in the red. I have been in the red and down to the bath-room about fifteen times. One man holds your shirt up and you put your hands against the window. Then you get it with a strap about two and a half wide across your back, and it leaves a mark for two or three days.

Yours truly.

P. S.—I don't know as I deserve it, but I will leave the rest to you. You want my statement, and I am sending it to you.

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No. 207.

Sept. 26, 1893.

Hon. Mr. Craig:

Dear Sir.—I have been beaten many a time for only one yellow report, for talking in the shop. I went around for weeks with one of my eyes closed from a blow I got in the bath-room, and my back has been in a bad condition many a time. I could not walk with it. It has knocked my backbone in a bad condition. The first time I went down to the bath-room where the lick the boys, I received blows all over the head with the strap. I did not know where I was standing, just because I could not keep my head toward an officer who was down there with the superintendent. My body has been in a very bad condition many a time when I did not deserve it. I have marks on my back this day that I can show you and Dr. Wey of this place often saw my body after I had been licked for only one yellow report. You don't know the treatment we received last year up here; it is a bad place; I would rather do five years in Sing Sing than one in here. It is a shame you did not know about this place before this. It has laid many a man in a cold grave. I can not hear out of my right ear since

the last time I was licked. It has placed me in a poor condition for the rest of my life to come. I could write you a book on my life, did I receive such treatment, and it is a good thing you found it out, for it has been going on for a long time past. This is all the truth I am telling you, gentlemen, and I have got very good proof of it. I often showed my body to the doctor of this place when I had been sick. I ought to be home long ago. If the truth was only known. Just think of it, a man getting blows all over the head and body, so that he did not know where he was when given it, just for only a yellow report. I will never forget this place the longest day I live, no, never, about this place, and every bit is the truth, and I can prove it. I have been laid in the hospital from it, and I am not the only one it has done harm to. I can say, with a true mouth, that it has been a murdering house for the last year back. I am glad you have come at last. It is the best thing ever happened to me in my life to get a fair chance, and I had the life beaten out of me when I did not deserve it, and hope you will do something for us to save us from that murder man for he is nothing else but one. I hope you will not let him see this, for if you did he would kill me sure, for he would just as leave knock a man's eyes out as he would send him home. All this is true, and nothing but the truth. I speak the truth to you about the superintendent of this place.

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No. 208.

24, '9, '93.

Dear Sir.—I am in this institution three years and a half, and the reason is that I have not had justice done me. The last time I was reduced in grade I was reduced unjustly, but I could not get any satisfaction. They would not pay any attention to me, and I had to suffer for nothing. It is past now, but I would have been home now if I had justice done me, and when I was in the red suit I broke one of the rules and was taken down to the bath-room for physical treatment, but, instead of getting only what I deserved, I was asked why I done it, and when I made answer I was punched in the face and told to take my place and when I received a few strokes of the strap I was not able to stand it and turned my head and got a belt across the head with the strap, and was called all the criminal and insulting names I ever heard, just because I could not stand more than I deserved. Why don't a man get just what he deserves in the right place, and not be beaten in the face and head? And I can't get along in here. They can't say I am a kicker. I

have only been twice interviewed. I have stood all the wrongs and the injustices to myself because I knew from experience that I could get no satisfaction. If I had justice I would have been home two years ago.

From.

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No. 209.

Elmira, N. Y., Sept. 27, 1893.

Hon. Sir.—I am lying in my room sick with a chronic diarrhea which deprived me of hearing what you had to say to the rest of the inmates, but I understand you are here for the purpose of getting our testimony in regard to the treatment we receive. I am glad that you have come to give me an opportunity of putting my case before someone who I hope will help me to get what I am so much in need of. I have been in the institution two years. I am afflicted with a terrible collection of diseases. I have a constant discharge of matter and other fluid passing through my rectum, to the amount of half a pint per day. Also a stricture of the rectum, and stricture of the penis. Also what the doctor here calls catarrh of the stomach. I am one of the most helpless invalids in the place, still I am expected to hold up my end of the burden as well as men that are in good health. It is not just. I got along very well the first eighteen months I was here. I earned the parole which would have liberated me last March, but I was brought into a tobacco deal which got me a red suit, and I was kept in it for three months and it almost finished me to live upon bread and water that length of time in the critical physical condition I was in. I then made the black suit and have retained it since, but, according to the rules of the place, I expect to get the red suit again for not being able to pass in school. I have tried my best to get along but can not. My demeanor record is good. The only trouble I have is in arithmetic, and I do not think a man ought to be reduced for school. The food in the black suit is not different than the red, only that the black-suit men get tea. Now, there is a special table in the first-grade man's dining-room for sick men, and I have asked the doctor to put me in there and give me an opportunity of getting something to eat, for I do not eat enough in my room to supply this great discharge that is constantly flowing from me, and which I have to wear large pads to catch the discharge. It has got me completely worn out. I am a physical wreck and need medical treatment

badly, but can not get it here. I have six months to serve out of two and a half years' sentence, and I would like to know if I could not be allowed some time off my sentence. I have a good record on the books here, and I tell you sir, I am no fit man to be practicing reformative methods on. If you had not come I intended to put my case before the next meeting of the board of managers, and see if they would do anything for me. It is certain I can not stand this much longer. It is telling on me every day. I must have better food if they intend to keep me alive here. That is a certainty, and I hope you will give my case your careful consideration, and help me through misfortune. I remain.

Very respectfully yours.

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No. 210.

Sir.— Though I am a red grade man I honestly think that the superintendent meant well by me when I was down in the bath-room. He chastised me for my own good. This is my opinion of the general superintendent.

P. S. I could have got along if I had tried, but I was foolish; I did not know enough. I am satisfied that the superintendent will help me if I try, as he had told me he would.

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No. 211.

Elmira, N. Y., Sept. 26, 1893.

Mr. Craig:

As long as I have been in this reformatory Mr. Z. R. Brockway has never ill-treated me in any way, but I ought to have been on my way home but for the men he puts over us.

Whenever we get a report and don't deserve one, why, we are told to send them back, and when we send them back, why, they go to Col. Bryant. He calls the man that gives the report to us, and asks him if we did this or that, for what we are reported for, and, of course, the man stands up and lies to the colonel, and says, "Yes; he was either looking at us or he heard us or seen us," and, of course, the colonel believes him and the colonel goes to work and thinks we are liars and gives us another report. That cost one dollar or, in other words, a chalker. That is how a great many men are kept in the red grade or were put in the red grade, for reports that were not properly attended to. I don't

say that every report that goes back the men don't deserve them, because they do deserve some of them, not try to lie out of it. If the colonel would only take our word as well as the other man and question the other man just the same he might find out that some of them were bigger liars that the reformatory put together. They are only prisoners like ourselves; they get stripes and straps on their arms, why, they think they are citizens or somebody.

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No. 212.

Hon. Oscar Craig:

Gentlemen.—Mr Brockway has sent me as a typewriter stating if I did not take better care of myself he said I would find myself in serious trouble, and he would bring me to the bath room for physical treatment, so I did not give him the chance to do it. Your honor, I would like to tell you one thing that is true, and it is as true as God is in Heaven. On June the 6th, 1893, Murray, consecutive number 5355, died in his cell, one week after receiving physical treatment in the bath-room from Mr. Brockway. He was receiving physical treatment for six months right straight along, and would some days come out with his face cut or his eyes blackened, and at last he died, only 17 years old, from Boston, Mass., and I heard from one of the inmates that the doctor told Brockway not to lick any more boys as he did Murray, 5355. He is not fit to be a superintendent over a lot of chickens.

I remain, yours respectfully.

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No. 213.

Sept. 26, 1893.

Honored Sir.—Please allow me to state my troubles here. If I send a report back, Colonel Bryan will take the officer's word before mine. Some reports I have got I could get down on my knees and take a solemn oath that I was not guilty of the offense. They had put in the Summary a few months ago that no report would be investigated unless returned within twenty-four hours after receipt, with a denial or explanation. I have sent reports back with an explanation, and have received a printed notice that it would not be investigated unless denied. I have the notices

here in my room, and can show them for proof. If you send reports back you will most surely get a first-class report. The officers don't care. All they think of is getting along themselves. I am in the red suit now six months, and this is my first time in it, and there is strong probability that I will stay there longer if I do not get a show to get away. I try to do what is right. I can swear to it. I would like to have the pleasure of speaking to you in person, when I can explain myself more thoroughly. As for discipline, I have been to the bath-room once and I was not hurt very much. Of course, nobody is the first time, but after that a man is sure to suffer. I have received a notice this month for the bath-room, stating if the general superintendent sent me another notice I would regret it surely.

Yours to command.

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No. 214.

Elmira Reformatory, Sept. 26, 1893.

Hon. Oscar Craig, Chairman of the Prison Ass'n, New York City:

Sir.—As men, in this reformatory, I should think we ought to be treated as ones. In the first place, I would like to have at least a little better food; bread and water for the last year and a half is bad enough, but when a man can't get what he ought to after his hard day's work, a chew of tobacco, is too hard altogether. A man can be reformed from drink and the like of that, but he can't from his tobacco. The professor that teaches us says that if we want a man to be strong and healthy you must give him the means to gain it, good food, not bread and water, and molasses. I have six of my teeth gone now, and if this thing lasts much longer I won't have any left. I would like you to look into this and see the way matters stand. Not for my benefit only, but for everybody in work. I do it, hard and faithful. The hash in the morning would make you sick to look at it, not only that, but smashed beans are disgusting. I only speak the truth. I know from experience the truth that no one can deny. I only wish that something would be done. It is hard, very hard. Of course, I know this is a reformatory. I do not expect the same as anywhere else, but I do expect to get treated like a man at least. I know that these few lines wont do much good, but I hope that they will do you some good.

P. S.—I do ask you once more to please look into the way things stand.

I remain, yours.

No. 215.

Elmira, N. Y., Sept. 26, 1893.

Mr. Craig:

I wish to inform you that I have been trying hard to get along here and have as good a record in reports as some of the upper grade men have, and when I get one report for talking I have to suffer for it, and which I very seldom get, and other inmates who are in the same grade with me lose several marks every month and never get flogged. I earned a black suit in April and was reduced the following month for one single report for talking. The rest of the inmates have two months before they are reduced. I have suffered long enough.

Respectfully.

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No. 216.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.— In compliance with your request, all that I can say is that I have been treated with the utmost fairness since I have been an inmate in this reformatory, and I can further say that I do not know of anyone who has been treated otherwise if they behave themselves. Hoping you will believe this is a voluntary on my part, I remain,

Very respectfully.

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No. 217.

Sept. 26, 1893.

Dear Sir.— I am here now a little over ten months and in that time I have been treated as good as I can expect to be treated under the circumstances, and I hope I will never have any cause to complain.

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No. 218.

Elmira, Sept. 26, 1893.

Sir.— I write to tell you that I have been treated all right since I have been here. I can not find any fault with the place. I have always attended to my own business so that I found it is the best way to get along. From

Yours respectfully.

No. 219.

Dear Sir.—I have been in the red suit four months and been fed mostly on bread and water. I have been put in the red suit for having too many reports in one month. I have got slips for the bath-room. I have never been down there but I have seen men come out of the bath-room with two eyes blacked. I know men lie in their rooms two and three weeks, for the old man gave them such a pounding that they were not able to get out in that length of time. When you go down in the red suit they take most everything away from you. You don't get no tea while you are in the red suit, but you get nothing but bread and water and a little soup at noon; that is very little. I am half starved half the time. When we kick about if he tells us he will take us down in the bath-room. I got reports for nothing at all. When I sent them back I got a chalk report from Colonel Bryan.

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No. 220.

Elmira, September 25th, 1893.

Investigating Committee:

Dear Sirs.—I have been in the reformatory only four months, but I am in the second grade through my own fault. But the inmate officers are very cross and as they can talk and do as they please, and when they see an inmate move his head or has a disliking for him they will lay in wait for him, "and banner him up," as they call it. I have nothing to say about the punishment they give you here as I have never been down in the "bath-room." All I can say for myself is to brace up and obey the rules and get out of here as soon as possible. This is all I have to say.

Yours respectfully.

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No. 221.

September 26th, '93.

Mr. Craig:

Sir.—As you wish a few words from each I can only say for my part that I have no complaints to make. I have been here sixteen months and have eight more to do. Although I am in the red suit only about three weeks, and I hope to soon get out of it. Hoping these few lines are all right I remain,

Yours truly.

No. 222.

Elmira, N. Y., Sept. 26, 1893.

I am a very small boy; am four feet high. I am working in the foundry. The superintendent wants me to do as much work as the big men do, and I can't do it. I have been here one year and four months now and I have been in the low grade all the time. The superintendent has taken me down to the bath-room and whipped me seven or eight times. He has almost killed me because I could not do as much work as the big men do. I am working very hard every day. Am trying to get along in the foundry, but I can not get along in the foundry. It is too hard work for me. I can't stand it much longer. I am very bad off. He has taken me down to the bath-room and licked me awful hard. He came near killing me once. I asked the superintendent to put me in a black suit and give me a show, but he did not do it. He is very mean to us here. I am a very young boy and am very small; I can't stand the foundry work much longer. The superintendent has almost killed me. I am very bad off, and we do not get half enough to eat here. This is a very hard place. This place is worse than any other prison. We do not get enough to eat to keep us alive. The superintendent has almost killed many of the boys. He has licked them very hard. He has almost killed me.

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No. 223.

Dear Sir.— I can complain about Mr. Brockway. I only can say that he took me four times down to the bath-room and paddled me so hard that the blood run down my leg and Mr. Sample then grasped me by the throat and choked me till I was black in the face, and then punched me in the eye. I can swear on the Bible that every word of that is the truth.

Yours truly.

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No. 224.

Elmira, N. Y., Sept. 26, 1893.

To Hon. O. Craig:

Sir.— I wish to make a few remarks concerning myself of the 22d of June, 1892, for which I was reduced to the convict grade, and received a paddling for something that I ought not to have got it for, for simply asking to see the colonel. My word was not

taken and another charge was made against me which was false. My punishment was to me very severe, though not so severe as most of the others received. An interview with you would explain. I have also to make an allusion to the month of February, 28th, 1893.

Yours sincerely.

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No. 225.

Hon. O. Craig:

Sir.—I can not express myself on paper. Please grant me a personal interview and oblige.

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No. 226.

No complaint.

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No. 227.

Sept. 27, 1893.

Sir.—I haven't anything against Mr. Brockway or his institution. The only trouble that keeps me here is school. I might have been home long ago only for the school keeping me here, and I wish you would help me to get out.

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No. 228.

I have nothing to say in regard to myself. I never did anything to go in the bath-room for. If I did the general superintendent would very soon bring me there, and God help me. I work in the south block, and for the last eighteen months I have seen some horrible cases come out of there. Nobody knows any better than I do, for many a day I have stood on the top tier and watched them go into the bath-room and be carried out more dead than alive. I have only one more year to do, and I will stay away from that place, if possible.

Yours truly.

Mahoney worked with me in the south block before he died.

No. 229.

Sept. 26, 1893.

Gentlemen:

Sir.— I have had as much chance as any of the inmates here. I will write you a few lines. If you lose one mark a month in two months you are put in the red suit and stay here nine or twelve months longer. One month I tried to get along and passed in everything but I get knocked out in reports. An inmate give you a report. You do not deserve it, you go up to the superintendent. He says, "I will see about it," takes the report and gives it to the colonel. Now the inmate that gave me this report is made officer by the colonel. I am called up to be questioned. I am asked then he is asked, then the colonel says, "All right." Next night you get a first-class report. His word taken; he can lie, and they believe him, then you go in the red suit.

This inmate power put a man in the red suit, and most of them are not fit to be boss over a dog. Gentlemen, I would rather take Sing Sing than be bossed by men who are up here for worse charges than I. They put you down for nothing. If I could see you I could tell you something that would open your eyes. I remain,

Respectfully yours.

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No. 230.

Mr. Chairman:

I have no complaints to make. I had been an inmate since last April, and hope that I shall have none to make.

Yours.

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No. 231.

Hon. Oscar Craig:

Sir.— I make my statement that I was reduced from upper first grade to lower first grade unjustly. I was reduced for getting two first-class reports for not reporting a man when he asked me to change his library book. He didn't ask me to change it, he asked me to take it to the desk so that the hall man could take it to the librarian to exchange it. There isn't one hall man in the hall that knows it is an offense to take a book to the desk.

No. 232.

Hon. Oscar Craig:

Sir.—I make my statement that I have been spanked in the bath-room last March, with a leather belt two feet long and two inches wide on the back and backside for losing three or four marks in reports. I was in the red suit ten months living on soup and cold hash with nothing to drink but a cup of cold water all the year round. The food is all cold, but the soup which is the only hot thing they have on a cold winter day.

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No. 233.

Sept. 26, 1893.

Mr. Craig:

Sir.—I have been paddled once but have no fault to find. I am here and I am in duty bound to comply with the rules of this institution. I am willing and will sympathize with Mr. Brockway.

Respectfully.

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No. 234.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I have only a few words to say about the institution. I was reduced to the second grade because I did not know how to behave myself, and I went down to the bath-room two times. The first time he gave me three raps with the strap. I must tell the truth, that I (?) and the second time he sent me three notes, and every time he warned me, but I did not care much for it, so at last I went down again for spanking, but I felt sorry, and I told him that I had made up my mind to do better (which was the truth) and to give me another chance. And he did so, and he not only gave me another chance, but he also took me out of the red suit, and there he done me a great favor, because then I know that he is willing to help any man along, and I made up my mind after that to get along if he helped me, and he did so, and as you can see I have a good record ever since. My idea is that every man can get along if he only finds out the value of his liberty. I do not say this because I expect to go home. No; but because it is the truth. I can tell in a few words the rest of my history. I must say that I never would have been able to learn how to behave myself or to work and make an honest living if I had not

been sent here, but I am quite sure that I can go to any place in the world. I will be honest and willing to work after I get out and can live as an honest citizen. My best wishes to Mr. Brockway for all he has done for me.

I am, respectfully yours.

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No. 235.

Elmira, N. Y., Sept. 26.

As I have not been here but a little while, I haven't anything to say, but I should like to have you excuse me in some things, as I have such a poor memory and can't remember anything any time. I am doing my very best to make a parole, so as to get home to my poor old folks, so as to help them along. My father is in a bad condition, and ma is not very healthy.

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No. 236.

Elmira, Tuesday, Sept. 29, '93.

To the Honorable Oscar Craig:

Dear Sir.— I have been in this reformatory for five months, and have always been treated well. I have done wrong and seen the error of my ways, and think this place and the treatment has made a different man of me. I am learning a good trade and when I first came here I could not do addition. Now I can subtract and multiply. So that is all that I can say in regard to the reformatory. In my case it has been a great benefit to me. Wishing the present management to continue, I remain.

Yours respectfully.

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No. 237.

Sept. 26, 1893.

Dear Sir.— I am going to tell you that I was down to the bathroom and got spanked till my hips was black and blue and I think it is a very good thing to have this place investigated, as the superintendent gives us a bad clubbing and hits us on the face with the strap if we look at him when he is hitting us, and I don't think that there is another prison that feeds the prisoners so bad. We are living on bread and water in the second grade

and we are not shown justice. I say that one man is not as good as another. The superintendent tells us if we get a report and we do not deserve it to send it back, and if we do we get a first-class report for it. I would like to see you and ask you to grant me a favor. Please send for me as I would like to have an interview with you.

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No. 238.

Elmira, N. Y. State, Sept. 26, 1893.

Hon. Oscar Craig, Chairman of Committee:

Dear Sir.—I came up here to be treated as a prisoner, but I think I am not treated rightly, for what I have to say is this, that when a person goes down to that bath-room for a spanking he does not beat you over the back side but across the kidneys and it makes a lad sick for a couple of days and besides you feel the pain for a couple of weeks until you go down again and then you are done with for good, and your folks will not see you any more. I think it is bad enough to be fed on bread and water as long as you are in the second grade or red suit and not be taken down to the bath-room along with it, for I think it is not right for the superintendent to feed a man on bread and water and then take a man that is weak and delicate from eating bread and water and give him eighteen or twenty cracks on the kidneys to knock him out of breath for a couple of seconds each crack. So this is all I have to say against him.

Yours truly.

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No. 239.

Dear Sir.—I let you know, sir, that I have nothing to say whatever. Dear sir, the fact is that it served me right for being in the third grade. I should have more senses to know better and now I must close with your respects, one of your convicts as they call us.

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No. 240.

Mr. Craig:

Did I believe that any of my fellow beings were treated harshly other that they observed, I would be one of the first to cry against it, but as I do not believe that such has happened through

Mr. Brockway I wish to add my humble voice to those which may sound in his defense. Individually I can say that I was never treated by any one, under any circumstances, with more kindness or consideration than I received at the hands of Mr. B. My position, as editor of "The Summary," has brought me into close contact with him and I have observed him daily. I am convinced, in my own mind, that he is kind-hearted and conscientious. His courtesy to prisoners is a matter of comment among the more intelligent prisoners here. He never fails to thank a prisoner for the simplest service and I have even heard him excuse himself for interrupting a clerk to look at one of his books. A man who does this can not be very hard-hearted.

Very respectfully.

September 26, 1892.

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No. 241.

Sirs.—The World (especially this new World) thinks it has reached to a high civilization; and men come to understand and feel that every living being suffers and feels when depressed; yet, in this glorious twentieth century still exists such an anatomical punishment as the good-known "bath-room" in this institution, where I have suffered five times within a year, and of which the executor is no other than Mr. Z. R. B. I swore revenge, and I hope it will be fullfilled. A short time ago I was to be punished a sixth time, but to my great joy he let me go, so good-natured that it was a puzzle to me till now. The reason you will understand.

I am the most grateful for this investigation. My name I must conceal for fear of suffering again.

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No. 242.

I have nothing to say about the general superintendent.

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No. 243.

New York State Reformatory, Elmira, N. Y.,
Sept. 26, 1893.

To the Hon. Oscar Craig:

Hon. Sir.—In reply to your request made to us this evening I beg to say that I have been justly treated since here. I have

no complaint whatever to make, and my being down in the "second grade" is entirely my own fault. However, I hope to make a better record in future and earn my early release.

Obediently yours.

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No. 244.

Sir.— As every inmate has to write something and tell nothing but the truth I wish to say that as far as complaints go I have none to make. I have been here for close to three years, and it is through my own negligence that I am here yet, but during my stay I gained the knowledge of a good trade and have advanced in my studies since I came here and thereby furthered my education. I am now a member of the first grade and wish to be home soon, as my marking for the past year has been almost perfect, and I expect to be going home soon.

Yours respt.

26, 9, '93.

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No. 245.

Sir.— I don't profess to be any kicker, but as you ask every one to write and let you know how they have been treated I suppose I must write. During my stay here, which is three years, I have been flogged severely several times so I was sore for a week at a time, but outside of that I have been treated all right.

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No. 246.

Sept. 27, 1893.

Mr. Hon. Oscar Craig:

I would explain more to you if I had an interview with you, for I can't spell the words very well, and please call me up to-morrow to explain to you what I know, or have someone to spell the words for me, and please answer this note, and oblige.

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No. 247.

Elmira, N. Y., Sept. 26, 1893.

Mr. Craig:

Dear Sir.— I was in the first grade thirteen months, and in that time I was held over three (3) boards, and he would not

give me a parole, which I now, by my record, was entitled to, and every time I spoke to him about it he would call me a thief and a crook, and told me I would have to stay my full time. This is the first time that I ever was sent to prison, and I would like to know how it is that he can keep me here my full time and not give me a chance to earn a parole. When I see that I was not to gain any benefit by being in the first grade, I did not try to get along, and I was reduced to the red grade for using tobacco. After I was reduced to the red suit I received a notice from him saying that if I did not make a perfect record he would take me to the bath-room and flog me like a dog.

P. S.— The month that he sent this notice to me I did not have one report, so you can see how the inmates in this place are treated.

Yours respectfully.

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No. 248.

Tuesday, Sept. 26, '93.

Hon. Oscar Craig:

Dear Sir.— I have just a few words to say about how we get treated by the inmate officers. When a boy comes here and isn't known by them, they will give him reports. The officers get typewriters from the general superintendent, telling him to send in more reports. And another thing how we get abused in the bath-room for the least little thing we get kicked in the stomach, and hit over the face by the strap, and it leaves big scars, and he has sent all the men away after he has nearly blinded them by abusing them. The doctor isn't fit to have around. He treats us like a dog. They are dying here two and three a week; they overwork them. We go to work in our shop and have to do a big task, more than we can do. I don't think it is a place for a young man that was not ever arrested before, and the same way in our schools. Now, our trade school, they expect us to learn something. We get two nights in a week. We have inmate instructors, and he learned his trade here. That is what he knows of it. We ask him how to do a thing, he will show you, and then another will come up and say that isn't right. I have heard them say, "What do I know about it?" We don't have time enough to learn anything — one hour and a half, and the same way in the school of letters; they don't give us any time to study. And the red-suit men, the worst food, the food is something terrible.

I hope God will see that we are treated right. I suppose we will get punished for writing this.

No. 249.

Elmira, N. Y., 9, 26, '93.

Dear Sir.—I don't see any difference in here what Mr. Brockway said last Tuesday night about that grade change every month. I see in my conduct-book every month how many reports I have, but see for two months ago that I have only two second and three third-class reports, and asked the general superintendent if he would take me out of the red suit. He said no, and I am now eight months in that red suit. I saw in the same time many fellows who had a first-class report for $3.00 and he took them out. Why not me with $1.05? My trade is a musician, and that is all right, only good for many reports in there, and that is what holds me down in the red suit, for every mistake I get a report. The best musician in the world can make a mistake. I am playing the first E flat cornet, and that is not so easy to play. Another thing is this: Mr. Brockway sent me a note the last week for in the bath-room. I know what he means with that; I send the note herewith.

Yours truly.

(One inclosure.)

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No. 250.

Mr. Hon. Oscar Craig:

I have not been here but five months. Therefore I have not witnessed anything, but I have been warned that if I didn't make a better record that I would get into serious trouble. Therefore, I believe he meant to take me down into the bath-room, where I suppose he would have given me a sound thrashing, but I happened to be on the lucky side. But there is one more thing which I think is in the line of treatment, and that is the food which we get, and I think it is pretty hard for a man to go to work with a couple of spoonsful of cold hash and a few pieces of bread and a cup of cold water for his breakfast.

From.....

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No. 251

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I, ....., a notary public appointed from Kings county, do hereby make and declare the following statement to be the truth, the whole truth, and nothing but the truth:

That there are here in force in this institution rules that are not written or published to my knowledge for the guidance of the inmates here. That the first knowledge that an inmate has of such a rule being in existence is a report for the breaking of that rule; that if a full set of rules was published, as I believe is required by law, in such a place as this, there would be less breaking of the same. But where a man does break such unwritten rule, unconsciously, it makes no difference. The reply is that he should know. Therefore, there should be a new set of rules published, embracing everything that comes under that head.

And I do not think that it is just to deprive man in the second grade from coffee and tea at morning and evening, because that leaves their main sustenance simply bread and water, nothing more, nothing less.

In witness whereof I have hereunto set my hand and seal, this 26th day of September, 1893.

(Seal.)

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No. 252.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.— What I have to say in regard to this investigation as regards the knowledge of this place and its treatment to me, I will say I have been treated unjust. Why? Because for the reason that I was reduced in my grade for labor two times, where it was not my own fault, and I think the physician knew it all the time. In regard to punishment I received just what other men get down in what we here term the bath-room. For what, you may ask? Simply for labor. I could not do my work. Why? Bcause I did not get enough in my stomach to work in the right way, especially on Thursdays, when we get a few beans to eat for dinner. This, I think, in anybody's estimation, is not fit as a dinner to a man who has to put up seventy molds in the morning and pour off in the afternoon. I work in the foundry. I do not kick about the work I have to do, but it is the meals, and this red suit, that belong to the unjust side of the question. I know I have been punished unjust with physical treatment for a mere nothing. This I think should be stopped, not for my own sake, but for the welfare of the other boys. Hoping you are satisfied with this brief note, I remain,

Yours respectfully.

(P. S. on other sheet.)

Mr. Craig.—Another thing I wish to say, that I have not heard from home in near eight months. I think even if a man is in the

red suit he should be allowed to receive a letter and get one. Don't you think so.

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No. 253.

Sept. 26, 1893.

Mr. Craig:

Sir.— I think that I was used about a year ago in a way that was not proper for them to use me, as I felt the effect of it for nearly a month afterward, as it was something that the loss of my first grade would have been severe enough as punishment. I do not send this note as an ill-will against the superintendent, but as you have asked in a square way about it I have let you know about it.

Yours truly.

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No. 254.

To explain the fact, I was not treated very kindly. When here but one week I was flogged for telling and inmate officer to go to hell; then about a week after I was flogged again for getting one yellow report for talking. Then about eighteen days after that I was flogged again for getting a first-class report for not wheeling snow up close against on the guard-walk, as my wheelbarrow tipped over with me.

Then there is an officer takes you out of the guard cells to the bath-room door, then just as soon as the one before me comes out I am collared by the neck, run in, told to take down my pants; then he gives it to you. Smashed on one side for turning your head, then slapped on the other with the strap across the face. I carried the mark on my body for two months.

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No. 255.

Sept. 26, 1893.

Dear Sir.— As far as I know I can give a man a good record when I see one. I have been treated pretty well since I have been here, both by the superintendent and the officers. There has been a man giving me reports for nothing. He was telling men in the shop that he was going to get me on task. I told Mr. Phillips that I thought he was talking to Mr. Hoppe about getting me on task. This man has been following me up since. I got put to work under him. I lost my grade on his giving

me reports which I did not deserve. He was afraid I would get a blue suit ahead of him; I wrote to the superintendent about it, so last month he showed me three marks on a coat. I told him it was not my fault, and he told me I was a liar. I told him all right, he told me he would make me sick, so when I was talking to a man alongside of me he told the inmate about it so I struck him. All I got was a ten dollar chalk, and took him down in the bath-room and got one rap. If you would be pleased to get me transferred to State prison, I would never forget a good turn, as it is impossible for me to make a parole out of here.

Yours respectfully.

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No. 256.

Sept. 26, 1893.

Hon. Oscar Craig, Chairman of Committee:

Dear Sir.— All I have to say about Mr. Brockway is that he had me down in the bath-room once, but after giving me a punch in the face he let me go without paddling me. I went down for getting a report with nine offenses for talking. It was in the month of June, when I went down, 1893.

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No. 257.

Our general superintendent, he did beat me till the dirt run out of me, and it was not with a strap two inches wide, but it was with a strap four inches wide. He hit me for a lie and when I told him he said to me, "If you say it again I will kill you." And the head keeper did punch me and told me that he would give me more and, sir, I am not able to do any hard work. If I bend my back I can not be able to straighten it for about ten minutes after. If you do not believe me you can see me, and if I am lying here is a note that he has sent me, and if you people were not here now he would take me down in the bath-room and beat me. Please, for the ? of God's sake, do not let him see it, or he would kill me. I hope you will do something for me. It is hard enough to live on bread and water, which we only get ever since I have been here. Please tell me if I need to be afraid of this note, what I have wrote you, and please tell me if I need be afraid of it. This is all the truth and only the God's truth.

(One inclosure.)

No. 258.

Sept. 26, 1893.

Hon. Craig:

Respected Sir.— I, for one, can say that I have not had a fair show in this place. The first day that I was here the superintendent said that he ought to take a hammer and knock my brains out. He did not do that, for if he did I would not be writing to you now. The first they took me down and put me in solitary. He kept me there three days. I did not eat anything while I was there. They took me out of there and put me in what they call the reception; kept me there thirty-seven days; that made forty days on bread and water. Sometimes I would get a little molasses and hash. I only got two meals a day. Sometimes they would forget to bring the supper, and then I would only get one meal in twenty-four hours. I wrote the superintendent a note asking him in the name of God to let me out, but he did not do it. Perhaps you wonder what I was locked up for. I will swear in the name of God that I do not know what it was for, and when he let me out he put me in the red suit. Please let me know what I was punished so for. I have at two different times found maggots in the soup. I have proof for all I say. In the name of God I swear this is true.

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No. 259.

Elmira, Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.— As it is your request for to make in writing any complaint that is to be made, I have a few which is an injustice to society and inmate. The first is, that we are not properly fed, as the food is not strengthening enough for to keep a monkey alive, let alone a human being. Two, By the harsh and brutal treatment that is done by general superintendent, principal keeper and colonel and other keepers, and which will fill my paper too soon, as they all treat you as a rat. I have earned a parole, and was released and rearrested for violation of the parole, and committed back to the reformatory without a hearing by a judge or anyone to make a complaint against me.

If a warrant is enough to convict a man on, it is an injustice to the person convicted without knowing what the cause of his arrest is for. As we all have a few enemies, they are trying to harm us as much as possible, which is not right, without swearing to the fact in your presence so as to give you a chance of defense in your innocence.

Inmate officers are the cause of all the trouble, by having too much authority in reporting men, so as to gain a promotion. They will report you when you are innocent, and swear their lives away on it, so as to have a stand against you. We are all overworked, by working fourteen or sixteen hours a day by the mean food we get, and not time to eat enough. I want better food if there is any way of getting it.

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No. 260.

26, 9, '93.

Hon. Oscar Craig:

Dear Sir.—I wish you would look into my case. I used to work in the hall and was doing bread duty at the time. One morning I gave a few of the second grade men tea; they don't get any tea at any meal. Well, the night watchman came around and I was going for some water at the time. I had the can empty, and he asked me where I was going. I told him. Then he took me and asked all the men on the gallery if I gave them tea. He came to a few man that had tea. He then took me to Mr. Rickey and told him all about it, and then I was chalked in and was punished the next day. Also lost my grade. I am in the second grade ever since.

I know men that did the same thing and they only got a three-mark chocolate report, and they didn't lose their grade. I don't think that is treating a man right. I remain,

Very respectfully.

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No. 261.

I have been truthful (?) since I have been here, and I have no fault to find with him.

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No. 262.

Sir.—I state my case very briefly, but I can say this much; for the fifteen months I have been here I behaved myself, but the lack of schooling will keep me here till the year of 1897. I tried the best I could, but I see it is all up with me. I would rather be in State prison where I could get a few months time for being good. This is all I have to say.

No. 263.

Dear Sir.—I have nothing to say. I have been treated fairly well.

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No. 264.

Elmira, N. Y., Sept. 26, 1893.

Mr. Oscar Craig, Chairman Investigating Committee at State reformatory:

Dear Sir.—I have nothing to complain of, having tried my best to get along and have succeeded so far. I have received nothing but good treatment from the managrs.

Truthfully.

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No. 265.

Hon. Oscar Craig:

I am very sorry to tell you this, a very tough joint; the food that we get is very tough. We get treated very bad, but you have to put up with all this. It is very hard to live on bread and water, but it is no use kicking.

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No. 266.

Mr. Craig:

I have got nothing to say against the superintendent, because he used me all right.

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No. 267.

Sept. 25—9—93.

Dear Sir.—You ask for what we have to say about the place and general superintendent. I have only one thing to say, that is this: I don't think he did the fair thing by me for locking me up on grounds and when he could not get anything against me then he chained me to the floor for four and a half to five days, and then take me out of the blue suit and telling the storeroom keeper to put a red suit on me, and if it was not for the P. K. I would have had it, but he said there was something wrong about it, and so I got a black suit. And there is nothing keeping me but school, and he would give me no chance to get along any more and now wants to put me in the red suit next month

for nothing but school. I have not been knocked out in over six months in reports. He gave me $6.00 worth when he dropped me. I would like to get an interview, and oblige.

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No. 263.

Sept. 26, 1893.

To whom it may concern:

Sir.— I have the following statement to make concerning my treatment in this institution: On or about the latter part of last October, I was falsely accused by an inmate night watchmen of such abuse without any personal investigation on the part of the general superintendent. I was unmercifully beaten, words can not express or your imagination can not conceive the suffering that was inflicted upon me by that inhuman superintendent. I was beaten until I fainted. I was held up and beaten again until my back was a mass of bleeding, black and blue flesh. I could not lie or sit down comfortably for a month or more, and could barely walk. I was in great fear of my kidneys being injured as it is where he kept pounding me most. The above is a true and straightforward statement without any prejudice whatever, and I will at any time take an oath to the same. I was a U. S. prisoner with a two years' sentence. I am here twenty-one months, my short time having expired a month ago. I was told by the U. S. inspectors that I was entitled to my short time, but I am still here. I made two attempts to see the superintendent about it, but got no chance. He has promised Def. Page six weeks good time who is here on the same charge as I am, and only out of the second grade three months, while I am out of the second grade eleven months, and I appeal to you to please give me my liberty, of which I am lawfully entitled to. I have been here twenty-one months out of twenty-four, and I think that is long enough. Hoping that you may think the same and be kind enough to have me released, I will forever remain,

Yours truly.

In regard to report, here is one I received. I denied it and proved to the Col. Bryan that it was a mistake. He added to it, having the appearance of talking, and would not cancel it. I sent it to the superintendent asking him if it was right to give a man a report while having the appearance of talking. He returned it to me with his signature attached.

(Two enclosures.)

No. 269.

Elmira, N. Y., Sept. 27, 1893.

I have been treated like a man ever since I have been here.

Yours.

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No. 270.

Elmira, N. Y., Sept. 26, 1893.

Dear Sir.—I have nothing to say in regard to this investigation, as I am here only one year this month, and I have been treated right while I have been here.

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No. 271.

Dear Sir.—I am very glad to have the privilege to write to you, as I think the superintendent did not right with me in June, as I had taken a paper of tobacco from an inmate to another, and it was found out, and I received a three-dollar report, and my labor changed to the foundry, where I can not get along, and the superintendent did not change the other three boys' labor. I had worked eighteen months and was in the red suit three months, and now I have seven nines in the black suit, three eights and two sixes, and trying hard to earn a parole, but I can not do it where I am, and I think if the superintendent did not change their labor, why he should change mine.

Yours respectfully.

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No. 272.

Elmira, N. Y., Sept. 26, 1893.

Hon. Oscar Craig, Sec'y of Investigating Committee:

Dear Sir.—I must confess that as far as I am concerned in this affair, that I can not say anything against the government of this place, but I do say that I am reaping a great benefit from it, for it was through my not knowing enough to obey the laws of our nation that I am here, and that is one important thing that is taught here. And furthermore, although I had a fair education when I came here, I am thankful for the opportunity that this place affords for school purposes, and I assure you that I have as good treatment here, since I came, as anyone could ask for and have no fault to find. And I thank the Lord, though I am in prison, I can tell the truth.

I remain, your obedient servant.

No. 273.

Elmira, 26, 1893.

Sir.—I have been reduced to the red grade two months ago. It is a shame to put a man down for school only. That eating we get is something terrible, water and bread in the morning and evening. I have the hardest job in this place. A man that works as hard as I do in that brass shop ought to have good eating. If you can not do anything for me please transfer me to somewhere else. I will be very thankful to you if you transfer me to Auburn prison. A man who works all day and then must work at nights also, in trade school. Police Captain G. W. Gastling is my uncle. Hoping you will transfer me.

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No. 274.

Sept. 27, 1893.

Hon. Oscar Craig:

Dear Sir.—The flogging I received was something terrible. I could not stand it. I fell down three times in succession, and then I was told to "Get up. I will give you a dozen more for that," and the stripes were on me for months, after which I can prove.

Respectfully.

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No. 275.

Sept. 27, 1893.

Hon. Oscar Craig:

Sir.—I was taken to the bath-room and flogged for not allowing an officer to call me all the names he liked; and anything you have to say against them is not believed. I can also prove that the marks were on me for one month; but they did no good.

Respectfully.

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No. 276.

I can not tell it on paper while I am in this place.

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No. 277.

Sept. 26, 1893.

Mr. Craig:

Dear Sir.—This is my plain but true statement; I am here going on nineteen months and I am still in the red grade, and

the rule claims that I can not be restored until Christmas. Now, the only thing that keeps me here is the foundry, which is impossible for a man to do. When the foreman does not like you. He gave me a pattern that no man on this earth could get his task up with, then told me I would have to do it. On the first of March last I was brought down to the death chamber, as they call it, and paddled till I dropped. Now, is that fine treatment to give a man 29 years old; that is capable of earning a living, having two trades, when I came here, the butcher and burnisher and gilder. I have a perfect record all the way through, only the task this month; I have proved that I could do the work if they gave me the right and just pattern to work with, which they did. Don't you think I am entitled to my release now? As according to my demeanor I should be released six months ago. I don't think it right, as a man is sent here to have his demeanor corrected, and not sent here to try and perform a task with a pattern that no molder outside would use at all, as where it had been broken it was all pieced together and every time you would use it; the task to be performed was so great I had to work fast to try and perform it, and the pattern would fall apart. I made so many complaints about it that at last they took it into their heads to give me the same pattern a size smaller, which is new and sound, and which I am using at the present time, and doing more than the task required of me, which goes to prove that if the other pattern had been in good condition I could have completed my task without any trouble. Leaving my case in your hands, I remain.

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No. 278.

Sept. 26, 1893.

Mr. Craig:

Dear Sir.—I can find no fault. It is my own fault that I am not home. I am in the red suit for the second time, and I have made up my mind to behave myself, and make my parole and go home. I hope all that write you will tell the truth. If anyone disobeys the rules and uses tobacco and gets to quarreling and gets punished it is their own fault. I am in hopes to be home in one year from Christmas. This is all I have to say.

Yours truly.

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No. 279.

Will you please let me know if I have to learn a trade I do not like, and object to learning? The two men I came with got the

trade of their choice, and why should I not? I was here five months before I was assigned to any trade, and then had to learn tinsmith. When I asked for steamfitting. Will you please let me know through the mail if you can change my trade, and greatly oblige?

Please let me know if I can hope for another trade.

(One inclosure.)

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No. 280.

September 26, 1893.

Hon. Mr. Craig:

Dear Sir.—According to the rules given me when I came here they said if a man made a good record in six months he is entitled to be promoted to the blue grade. I have been here over eight months, and I have four nines, two eights and one six, and still I am in the red grade, and I think I should be, at least, in the black grade as I was to be promoted to the black on the fourth of July, but I was found with some photograph pictures and was punished severely in the bath-room for it, and for any offense like that the rule is that the person either gets reduced or punished for it. As I was punished for it I should be promoted to the black two months ago.

Yours truly.

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No. 281.

26, 9, '93.

Hon. Oscar Craig:

Dear Sir.—I make mention that I have received what was known here as "physical treatment." Not only was struck across my kidneys, but also on my face, and having a small mark on my eyes now from the end of strap which struck me dreadfully on the eye, and also being made to work in foundry when not able to do so, as I have had, and have yet an abscess on my neck. As to reports, there have been a belief that you could get a report cancelled, but that is all a mistake. There were men here that were sent away last January whose word went with Col. Bryan and we received a first-class report for denying the charges made by those men. The men must look out for themselves if they don't send in reports they are suspected, of letting men talk and will be reduced on the slightest offense. So rather than lose their grade they give other men reports. I have been told that

time and again by the men themselves. This is all the personal experience I have had, but could fill a book with the treatment some men have received down in the bath-room.

Respectfully yours.

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No. 282.

Elmira, N. Y., Sept. 26, 1893.

Mr. Craig:

I write to let you know the treatment I have got since I have been at the reformatory. I have been here sixteen months and have been in the red suit three times. If I had any chance at all I would have been home in one year. I have been spanked once on account of Col. O'Bray, an inmate, and have never got any satisfaction by going to the general superintendent about anything. I have tried hard to get along since I have been here. I was fast to lift heavy things. By doing so I sprained myself so I had to wear a truss. If I did not do so I would be taken to the bath-room to be spanked. No more to say.

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No. 283.

26, 9, '93.

Hon. Oscar Craig:

Dear Sir.—I here make mention of the process know here as physical treatment. I have been down to the bath-room and have been struck over the kidneys, struck over the face and there still remains a scar. I have received reports that I never justly deserved. I am here sixteen months. I have only sent two reports back, for which offense I was charged I never committed. When I went before the colonel he didn't give me a just trial, he taking the officer's word without proof that he was telling the truth. Therefore, letting me suffer the consequences. I do not call this just for him to take another inmate's word and disbelieve another because he is in a lower grade. I have been getting reports for the last year that, to tell the truth and nothing but the truth, I did not deserve. I am afraid when I get a report to send it back, whether I deserve it or not, because Col. Bryan will take the officer's word before mine. Another thing, the food we get is inadequate enough for the work I do. Do you call this fair? I, for one of the many here, can't. Mr. Craig, I wish you

would kindly grant me an interview, as I can not express myself fully here. Leaving this to your kind consideration that you will grant my request, I remain,

Yours truly.

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No. 284.

Elmira, N. Y., Sept. 26, 1893.

Dear Sir.—In regard to the information you desire, I have been here nearly seventeen months and never been in the red suit or bath-room, as it is called. I have never received a blow from Mr. Brockway or any other officers in the institution. I have been treated just the same as if I was a free man, only I have not had the freedom of one.

Very respectfully yours.

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No. 285.

Mr. Oscar Craig:

This is what I want to say about myself. I came here on October 17, 1891, and on the first of December I was reduced to the second grade. Then I lost three marks and he took me to the bath-room and spanked me. Then after I lost one mark, and he spanked me so bad that I could not sleep on my back, and after that he took me to the bath-room about four times more to spank me. They call the place where they spank a man the bath-room, and he kept me in the red suit until September 1, 1892, and the black suit until August 1, 1893, and after I went in the black suit he treated me well. This is all I have to say about the general superintendent. And one more thing I have to say is this: That about Col. Bryan. Now, if a man gets a report and he is not sure, he would send the report to be investigated, and then the Col. sends for him and he will talk with you and ask you questions. Then he will ask the offenses about the report. If the man is sure the report and offenses will say, yes, though he knows the offenses is lying and the man is telling the truth, but he goes and gives the man a first-class report for lying and think that is not right for a man like him to do, and I think he does not know how to investigate a report at all. This is all I have to say. * * * * * *

No. 286.

27, 9, '93.

Hon. Sir:

I, ....., solemnly swear that I have been most cruelly and unjustly treated since I have been in this institution, which has been four years and nine months, and have scars to show, but time and material do not permit me to express myself freely. Therefore, I ask in God's name and for the benefit of my fellow sufferers to grant me a personal interview at your earliest convenience.

Yours respectfully.

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No. 287.

I, ....., known here as ....., do solemnly swear that I saw men after coming from the bath-room with their faces horribly disfigured, that is, with their eyes swollen the size of an apple, and cut most severely about the head and face, from the pounding there received from Mr. Brockway's paddling apparatus, which is a piece of belt leather tied to a piece of broom handle, which sometimes he uses the latter end to crack his bath-room subjects over the head with and saying at the same time, "I will kill you." Honorable sir, I know what I am talking about, and I have had some of the experience tried on my own body and head. As the paddling was too much for my rear extremities, I fell down from the torturing whelps of his tremendous strap, and while thus lying on the floor in a swoon, he freely applied both ends of the paddle, that is, the strap part and the broom-handle part, on my head, face and rear extremities. He did not alone paddle me, but put me in the solitary cell for several days, and then took me out and sent me out to work, more dead than alive. If brought up to face this statement I can swear to my God as to its truthfulness.

Yours respectfully.

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No. 288.

September 26, 1893.

Mr. Craig:

Kind Sir.—I would like to make known my story to you in regards treatment here which men receive here. I, myself, have never yet been whipped by the superintendent, but I worked in the

shop for some time and I saw all the men come out of the room where he whipped them. It is a shame the way he whips some of the men here. He gives them black eyes and whips some so bad that they have to be carried to the rooms on the first gallery, and they put iron screen doors on the other doors, so that they can not show themselves to anyone. I can prove what I saw here by men that are here now, and by others that are gone home or to States prison. They have given me a poor show in regards to letting me go home. I make a few nines, then the Colonel Bryan will take them away from me for some little matter, that does not amount to anything. The colonel is worse than the superintendent. He takes all the cases in hand and tells the superintendent all about it, and the superintendent believes all he says. He puts lots to it, so that he can make a sure thing of it. I have been in the first grade for over a year. Please look into my case, as I ought to have been sent home long ago. I have earned my parole and have good people, and the best men of Buffalo to look after me, and the superintendent knows it. The principle men of Buffalo are all willing to give me a chance and to help me along. I have a good home and good parents. Please look into my case, as I can not put it in words on paper, but could speak it to you better.

Yours most respectfully.

P. S.— Please bear in mind that I am not a kicker. Perhaps these men deserve the punishment they get. I know nothing about their cases at all. For myself, I have nothing to say for him or against him.

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No. 289.

All I have to say is true, is that I always got treated right by the superintendent, as I deserve all the reports that I got except one. That one the colonel gave it to me for denying a wrong report. But I have seen men get down in the bath-room and get spanked so that they couldn't walk for a week, and had to get taken to the hospital, all on account of the colonel's doings, for nothing, as he tells the inmate officer to report the men for anything they do, and if they don't, why, he will give them a first-class report. so the inmate officer, if they don't like you, why he will give you enough of reports to send you to the bath-room to get spanked for nothing, as the colonel will believe him and not the man; that is the way the most men get spanked. Also, if an inmate officer tells a man to make him a knife, and if the man tells him he will not, because it is against the rules, he will tell the colonel that he

saw the man having tobacco, and the colonel will believe him and get the man spanked for it, where he don't deserve it. This is all I have to say.

I remain.

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No. 290.

Elmira, Sep. 26, 9, '93.

Hon. O. Craig:

Dear Sir.— I have been here four years seven months. I have not much to say; I have been spanked or paddled once till I was not able to stand. Me and two other men for a charge of crime against nature. I was paddled till I had to be carried out by the officer, who was in there as guards, and that night at dress parade I fainted from the paddling I got that day, without trial or jury he tortured me till I had to admit to save myself from his strap. Then I braced up and made the first grade, but by the injustice of a officer I was reduced to the lower first grade. Then the red, but now I am in the first grade and I want to try to get along. If you want to find out his cruelty go to some of the men in Auburn or Clinton State prison, and see some of the men that have been here. I inclose two type-writers which were sent to me by the superintendent, for just losing three marks by reports received by other inmates that turned out to be the worst kind of convicts. I have often been warned from the superintendent with notes like these two. I had something like eight or ten of these kind, but I destroyed them, but these two which I found in one of my out time books, but in my time here I had a rough deal. I have lived on bread and water for twenty-six months in the red suit, just for reports; I wouldn't say that I did not deserve them, but some I got just through spite of the inmate officer, and when a man gets a report from one of Col. Bryan officers he will not give a man a fair show, but to the inmate officer who is a convict of the deepest dye there is too much power given to one inmate over another, that caused all the trouble for some men. This is all and I swear to God it is all truth.

(Two inclosures.)

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No. 291.

Sept. 27, 1893.

Hon. Oscar Craig:

Dear Sir.— I have not got much to say, but I do not think that one inmate should be over the other, for if he gets down on you

he can report you for anything that he wishes to. It takes only four reports to knock you out, and they can be very easy given to you in a month. I have been here two and four months, and all that keeps me here was the inmate. I never got a dozen reports from an officer since I have been here, and have never been punished only once. I think that if anyone does wrong he should be punished for it, but I do not think that the law allows anyone to be injured, to be struck on the head with a heavy strap or hit him in the face. There have been many come out of the bath-room with his head all skinned and his eyes swelled so he could not see out of them. That is no place to punish a man, on the head. The food that we get here to eat is not fit to eat. Take the hash and soup, you can not eat them for they have smells that turn your stomach. Beef that you get here stinks so sometimes so you can not eat it, especially in the summer when it is hot. Well, this is all that I have to say and what I have said is nothing but the truth.

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No. 292.

N. Y. S. R., Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.— I am now in the upper first grade, and having never been in the second grade I can not complain of any brutal treatment. Neither can I say anything to Mr. Brockway's credit.

Yours truly.

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No. 293.

26, 9, '93.

I am in here twenty-six months, so I would like to know how can the man get along if we have inmates over us to keep us from home. The old man is good, but the inmates, they are no good. The military reports keep us from home. The old man has been good to me. Now, I will tell you what keeps me here. The school keeps me here, and I will be here five years.

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No. 294.

Mr. Craig:

Dear Sir.— I can not find any fault. I was once in the red suit. I was always treated all right. I was in it, and have always been

used well up to the present time, I think. Mr. Brockway will do what is right by a man if he will act like a man and be square, so I haven't any reason to run him down.

Yours truly.

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No. 295.

Mr. O. Craig:

Sir.— I have been in this institution nearly six years, and never have been out, and can tell you quite a lot about the reformatory, and am willing to stand before you and answer all questions truthfully concerning Mr. Brockway and his treatment of inmates here. I know just how it is, for I am among the inmates all the time and have had experience in mostly all principal parts of the institution, including punishment that the inmates and I myself received over a dozen times, and if you wish to know what a man who has been here so long knows, I am willing to tell you it truthfully, if you so desire it, and also tell it to you personally, whether good or bad I will not say in my note, but will wait for a personal talk with you.

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No. 296.

Dear Sir.— I would like to write a few words, that I have but very little to say about treatment. I have been used all right since the day that I came in the reformatory.

Respectfully yours.

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No. 297.

Sept. 26, 1893.

Gentlemen:

I come here on the 24th of December, 1892, and went into the band. There is an inmate over it, and the case was with him, whether he took a liking to you or not. If he did not, as was my case, he hated me, and gave me on an average five dollars worth of reports a month. Then I was degraded, after being about three months here, to the convict grade. Then, if I had tobacco or something to give him which he thought was worth the having I would not have got a report. I would be in the first grade now. But about a month ago that same inmate was reduced for tobacco. I ask you is that kind of a man to have another keeping in his

hands, to say whether he will go home in a year or do his full time? If we deny the reports we get we can send them to the colonel of the regiment, but he always is partial with the so-called officer, and that frightens us, and we do not send them back. I would like to be drafted from him, where, at least, I would get my short time. I send up a most fervent appeal to abolish the "inmate authority" here altogether. The food is something terrible here.

Rspectfully submitted.

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No. 298.

Hon. Oscar Craig:

Dear Sir.—I am glad I have the opportunity of writing you these few lines. I am in this institution twenty-five months, and nothing is keeping me here but school. On account of school I have been held over two boards, and if I pass in school twice out of a term I get promoted. I have been promoted to higher classes before I knew how to do the sums in the lower classes. Nothing is keeping me here but school, and I think it is not right to keep a man here so long for school. I am here twenty-five months, and I have been only knocked out twice with reports. Please look up my record and see if this is not so, and oblige.

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No. 299.

Hon. Oscar Craig:

In complying with your wishes expressed to the inmates of this institution, I am addressing these lines, in which I simply wish to communicate to you one instance which I have been subjected to. One officer of this institution who is called Col. Bryan, has been assisting Mr. Brockway in the investigation of reports, which have been returned with a denial of their truth. Whoever was in the red suit, and through his looks or speech did not happen to make a favorable impression upon that officer, had to suffer from it. Furthermore, a man wearing the red suit and losing a mark was almost sure to receive at the advice of that officer a typewriter note which ran generally as follows:

"You are in the red grade and get too many reports. If you get reported enough after this date to lose a mark I will take you to the bath-room and flog you.

"GENL. SUPT."

I have received such notes several times and have been led to the bath-room and there was subjected to physical treatment.

Yours respectfully.

No. 300.

Elmira, N. Y., Sept. 26, 1893.

Sir.— Having been asked to express my complaints, I have not any regarding myself of any account, but there is one thing I wish to say to you and that is, one day last winter I was working in my shop, when the officer in charge seeing I was not doing what I was at right, came over to me and called me a son of a bitch, and a little bastard, my parents being dead I could not stand it, so I sent for the colonel, he came and the officer denying it the colonel said I had no provocation to send for him, and gave me a chocolate report. I went up to the superintedent and he said I should not send for the colonel unless my life was in danger and give me a kick in the shin that nearly doubled me, and said I ought to be brought it and flogged for it. The first of the following month I went into the red suit all on account of trying to get justice. My record when I went down was, first month, nine. Second month, nine. Third month, eight. Fourth (?), chocolate. Being four months in the grade I would be out of here to-day if I got a fair show but it is on account of injustice that I am here. Hoping you will give me an answer to the effect if I was right or wrong in trying to find justice and oblige.

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No. 301.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.— All I have to say is that I am not treated properly here, for in the first place I do not get enough to eat, for I never get but one piece of meat a week. And in the second place I am more treated like a dog than a human being. In the third place, I do not have as much liberty as a convict, as a convict has the privileges of turning head. I have not without being reported for it by another inmate or convict, which ever you like to call them. This is all I have to say about the treatment I have received here. I have not received a square meal since I came here seven months ago. Four ounces of meat a week and the other food I can not eat at all, for it makes me sick. I can get along on (?) food, but I can not get along on this food.

Yours, from.

No. 302.

I have been working in the foundry seventeen months and I have witnessed eighty-five men going to Auburn prison in that time. Out of these alone it is no more than a month ago since one draft went and I have been so weak working that I could hardly stand up and when I would lay in they would give me a chocolate report. When I came to this institution I weighed 127 pounds and now I don't think that I weigh 112 pounds. It is dragging the life out of me. I know that my turn will come soon for to go to Auburn as it is impossible for me to make a parole out of the foundry and they won't change me. I was assigned to the foundry when I first came here and I see what it is. It is a regular net for the States prisons, as very near every man that does anything in here they are put in the foundry and they aren't there long before they are sent to Auburn. I have seen over 300 men go to Auburn out of here in seventeen months.

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No 303.

Hon. Oscar Craig:

Dear Sir.—Being as it is, I am here going on four years now and a very slow write; therefore, as my complaint is so long, it would take more paper than this to write it out on so please grant me a personal interview that I may have a chance to express myself in full. By so doing you will greatly oblige,

Yours respectfully.

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No. 304.

Mr. Craig:

I have been here seven months and have been in the red four months, but it was my own fault. As far as I have seen it is all right. It ain't no fault of superintendent that half the men go down in the red suit; it is the inmate officers. Just as soon as they get the stripes on no one can hold them and if you send a report back to be investigated it is ten chances to one if you don't get a first-class report from the colonel.

No. 305.

Tuesday, Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I was paddled once for not doing my task. I am working in foundry. It is pretty hard to do your task when they feed you on bread and water and a spoonful of cold hash.

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No. 306.

Hon. Oscar Craig:

Sir.—I would like to have you in the interest of United States prisons' account for the reason that if this institution is capable of reforming a State prison why it is that a law is not introduced by some one interested in behalf of the young men of this country, to enable the definite or U. S. prisoners to earn a parole or release in a year the same as other inmates. Also, what is the reason that short time is not given to inmates the same as in State prison, as the State considers the prisoners here a better grade than those of State prisons. Would it be possible for you to furnish me with a sketch of the laws which refer to manner in which short time is to be earned or lost and by so doing you will greatly oblige,

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No. 307.

26, 9, '93.

Hon. O. Craig:

I have done three months in the red suit and I think it was my own fault.

Yours truly.

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No. 308.

I have received no cruelty from anyone in this institution whatever since I have been here but I do not think that I had ought to be reduced in grade on account of school.

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No. 309.

When I said superintendent it is impossible to do my task on that machine he said we will help you do it, get your

pants down and get over to the window, and he beat me black and blue and I turned my head around and he struck me in the face with the strap and blackened my eye, and then he said, "Young man, I don't want to hurt you."

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No. 310.

Sept. 26, 1893.

Dear Sir.—I take the pleasure of writng you a few lines to tell you how I was treated since I have been here. I was taken down to the bath-room and spanked on my head. The first time once and then four times after that, but the last time Mr. Brockway had me down he spanked me so hard that I was not able to see good for three weeks. He kicked me in the face so that there are marks on my face yet, you can see them yet and my back is kinder sore since. When I lift something heavy it go against me and it wasn't right to spank me so. I did not (?) the reports at all. That is the truth and nothing else. That is all I have to say about it. You must excuse the writing. I can't write any better than this.

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No. 311

Elmira, Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I have been down to the bath-room two times and have been paddled once. On the first occasion I went down for too many reports, having a friendly tip from the superintendent that if I did not behave he would give me a spanking. When I came down he gave me a lecture and let me go with a punch in the jaw that I thought I had lost some of my front teeth. The date of this was April 30, 1893. The second time I went down was on the 21st of May, 1893, and was also for reports. He took me down on the same notices of the month before. This time I was not let off so easy as the first. This time I was paddled and received three raps across my kidneys, the marks of which I could see and feel for a month. The way the superintendent spanks you is as follows: In the center of the room is a window, near which you stand, with your hands resting on the sill and your face turned towards the right, where, generally, a man stands with a strap, also, in his hands, that, if you turn your head, you will receive a blow from the strap. The superintendent on the left of you. This statement which I make is the truth, and only the truth, of how I was treated.

No. 312.

Elmira Reformatory, Sept. 26, 1893.

Hon. Oscar Craig:

Sir.—I came to the reformatory the 6th of January, 1893, and after having made perfect record for six months, I was promoted to the "upper first grade," July fourth. I was also made a sergeant then. I can not compare this with any other prison life, for this is my first offense. I think I can make my parole on January, if I have my health. I know nothing about the "lower second" grade, so I can not say anything about it. As far as I am concerned, I have been treated right.

Yours truly.

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No. 313.

Sept. 26, 1893.

Hon. Oscar Craig:

I have been spanked two times. The first time I was accused for yelling in my room, and received a first-class report. I sent the report back for investigation, but failed to sustain. I was then reduced to the red grade, and received a spanking, six blows, one of which I received across my face. Last July a crime was committed in the shop (?), the foreman's chest was broken open, the men that done it are now home. I seen the men do it, but my word was not proof enough. I was then put in the solitary for three days, then taken out to the bath-room and received nine blows, that left a mark on my behind for two weeks after my spanking, there was a mark eight inches in diameter, as blue as the clothes of a parole man.

Yours truly.

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No. 314.

N. Y. S. R., Sept. 24, 1893.

Sir.—I hope you will excuse the way this is written, as I have not had a very good school teaching. You say that you want facts. I will tell you what I know. In the first place I went one Wednesday night to see the superintendent about having too many examinations to pass, and asked if he would take me out of drawing school, but the only answer I got was that he see about that when he got me down to the bath-room. I have never been down yet, but there are plenty who have, and it is not only the

superintendent which knocks them about, but it is the officers he has down there. We have not the proper food with which to do the work. I do not see how they expect a man to go out on a winter's day with nothing but cold water and bread for breakfast. For the hash they give you is cold and does not taste good when it comes. I do not want you to think I say this because I am in the red suit, for I have said nothing but what I can swear to, so that is all.

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No. 315.

Elmira, N. Y., Sept. 26, 1893.

Hon. Oscar Craig:

Sir.—I being a new man can say for myself that a man that has a heart is his body could not use a man as Mr. Brockway has done. I was here only four months when I was taken to the bath-room and paddled. I received a notice in June about being short in my task and was told if I got another $1.00 worth I would be taken to the bath-room. And the report that I was sent down on was for talking to a man named Cook. He gave me three across the small of my back and two on the head, and I believe only I was a pretty strong man it would have laid me up. As it was I could feel the effects for several days. As it was I could not hold my water for any length of time, and I could feel a very unnatural feeling. Also my forehead had a deep blue ridge along it or several days. If you wish me to have an interview with you I will be glad of so doing.

I remain yours.

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No. 316.

Elmira, Sept. 26, 1893.

Dear Sir.—I have a few words to speak about Mr. Brockway that is not very good but is true, having been in this place fourteen months, and eleven months of it I have done in the red suit on account of Col. Bryan and superintendent. I was taken down to the bath-room and got six hard cracks that were hard enough to make blue spots as big as my hand, and the second time I went down got three on my backside and three across my eyes that made them black and blue. I swear that you can see the marks that were left by his thick strap and he laid them on with force. The third time down I was licked unmerciful. I turned around when he was just going to hit me and said I would not do it again when he hit me again and knocked me down and almost

closed my two eyes for me. Whenever I sent a report back that I do not think is right Col. Bryan sends me a first report for denying it, and not giving me time to explain all about it. Then the superintendent chalks me in and paddles me so hard that I am faint when he gets through. I came here with the intention of making this place in one year, but I do not get any show to do it. This month I was taken down on the fifth and he asked me how many times I was down and I told him seven times, then he says I will put them all together and make them eight times. He hit me in all. If he was not in trouble he would give them to me all at once, but he knows that I could not stand them so he gives me seven or ten cracks at a time till this thing blows over and he will begin again. I swear this to be the truth and nothing but the truth.

Yours truly.

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No. 317.

Sept. 26, 1893.

Dear Sir.— I was in the bath-room once for fighting with ..... ....., but did not get paddled.

Yours respectfully.

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No. 318.

Dear Sir.— This is the truth and only the truth. I am not here very long, but can tell enough about this place and what I have gone through. I have not got a fair chance yet and would rather be in Sing Sing prison than here. If a man gets reported and sends it back he does not gain anything for it. I was down to the bath-room three times. I was let go twice and flogged once. I got hit eight times and kicked all around the floor. Another time when I was working in D. B. was told to go out to D. room by an officer and I told him that I would go in a minute. He then got a hold of me and put me on the floor and kicked me four or five times and then licked me up and when I was brought up before Col. Bryan, he had me locked up for a week on bread and water, and, of course, the officer's word went before mine and the colonel told me that he ought to take my life. I heard that the superintendent showed you the strap, but he did not show you the rubber pipe and the strap with the brass tacks in it. Please have some one look at the meat before it gets cooked for a dog would not eat it. I could tell you more

about it if I was talking to you. If the colonel was out of here there would be more men get along than there is for he don't do right by any man. A man never gets right by him; he likes to see a man get killed and once or twice I laid in my room and was very sick and the doctor sent me to work, which I could hardly do. The doctor, he is no man, but a brute.

(One inclosure.)

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No. 319.

Hon. Oscar Craig:

I came here on the 24th of March, 1893. And for the past six months I am well satisfied with the place. I never ask any favors of Mr. Brockway. But, as far as I can hear, it is a pretty hard place; but, as far as I am concerned, they treat me all right. I have never been in the bath-room, but what I hear it is pretty bad place to go. I have seen my room-mate with his ribs all black and blue. That is all I know about the bath-room and about the place.

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No. 320.

Sept. 26th.

Hon. Oscar Craig:

Dear Sir.—I have been down to the bath-room once and I was treated very cruel. Sample knocked me aside the head and the superintendent took a strap about three feet long and dealt me several blows on the small of the back. He said if I got a dollars more reports that month he would nearly kill me. He put me down in the red suit for school and he want put me lower so I can make a nine. He has paddled as high as ten or twelve in one day. There was one man in the hospital last week from the treatment that he got in the bath-room. Those blue-suit men will not say anything very like because they would lose their nines. They have good food while we have bread and molasses. Us hall-men goes in to eat; we don't have time to eat half enough before they make us go out. This is the way we get treated. We have no show for our life.

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No. 321.

N. Y. S. R., Sept. 26, 1893, Elmira, N. Y.

I have been here six months and I been chalked in two times. The doctor had me chalk in once and everything he says the

superintendent will believe him. I was chalk in from Wednesday night till Saturday noon on bread and water, then I was taken out and he said he would take me to the bath-room if I ever come before him again. And I went to see him and ask him if he would give me another month and all he would say he would see and reduced me because I had lost in school and I am afraid of my life for the inmate are running this place, for they keep a man down so he can not make a parole in four years. I haven't much to say, so I will close with many a thanks to you.

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No. 322.

Elmira, N. Y., Sept. 27, 1893.

Hon. Oscar Craig:

Dear Sir.— I am very sorry that I have to write this kind of a note to you, but circumstances require it. I have nothing to say against the superintendent except that he flogged me twice, thinking I deserved the punishment, which I did not, all of which was the work of inmates with stripes on their coat-sleeves. An inmate and myself had a few cross words together, on a licentious topic, in which he wanted me, to use the slang expression, square myself, which means to do a licentious act, which I refused to do. This inmate told me he would give me reports if I did not do so. I did not dare to report the man to the colonel, because the colonel would not take any inmate's word that has no authority, so I refused this inmate. And that inmate gave me reports that I did not deserve, for revenge. He knew that his word would go if I denied the reports. He was the cause of me getting flogged once. Take those inmate officers as a whole, you will find they are all the same as that one before mentioned. All that these inmate officers have to do if they want anything, is to ask an inmate for it. If they do not get it they will keep reporting that man until he goes into the red suit and bath-room. They know that the man they report is afraid to send back the report. The colonel would give him another. He takes the man's word with the stripes. He superintends this institution. If they had no inmate officers there would not be over 800 men in this institution. They run the place, they are the cause of my being here three years. If you are not a friend of theirs they report you.

Respectfully yours.

No. 323.

Sept. 26, 1893.

Dear Sir.— I have been well treated while here. My not to be released at present is all of my own fault. I am now doing well and am treated well.

Very respectfully.

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No. 324.

Sept. 27, 1893.

Sir.— I have nothing to complain. I am now ten months in the first grade. I am not authorized for parole. It is my own fault. Any man that wants to get along can do it if he wants to. The superintendent helps every one that does his best and tries. Only those have to complain who do not obey the rules, which they can and do not want to. I do not write this or ask for any favors. I am simply telling you the truth, which you asked for. This is true. I am here sixteen months.

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No. 325.

Sept. 26, 1893.

Hon. Sir.— So I know that in this reformatory investigation is, I have to express all my thoughts to you. I am here thirteen months already, and try to get along so far, but once I have been punished very cruel. I may have deserved it, but in ways as the general superintendent done it to me. He took me down in the bath-room, I had to take off my clothing, then strip up my shirt, had to put my hands against the wall, and the general superintendent took a big strap in his hand, made it wet, and gave me great pain so that I saw the marks for two weeks. But I saw many poor fellows of mine, what had great marks in their eyes, face and all over their body so that some of them were sick for days. I only will ask you if the State of New York give the right to the general superintendent to do such barbarous things to human beings. I heard many things but I have to keep my tongue. So I don't saw it, and I only can but down my own truth. I wish you would do something against it. I know that every man that loves the bible will find out that such barbarous treatment should not exist in our world where civilization has its power.

Respectfully yours.

No. 326.

Sept. 27, 1893.

Dear Sir.— While convicted and sent to this place for passing counterfeit money, to five years, as definite man; that is, as U. S. citizen man. I ought to serve three years and seven months out of five years, this is what Mr. Brockway said to me when I came here. By having a good behavior. Sir, I have not tried to escape, or strike anybody while here. These is, I mean to say I have not violate the law, I have violate the rules of the place thereby by using tobacco, and once for not reporting a case in which I know for it was also about tobacco, and once for fighting with another inmate, and very few rules also I have violate these is for talking. Sir, for these violations I had very hard treatments in the bath-room by Z. R. Brockway's hands, and also I had penance thereby by suffering chained down in the solitary. Sir, for this simple reason I am losing the whole of my good time. I am in prison now over five years. I spent in jail seven months and over four years and a half in here in which I ought to go home long ago. I have also tried to make complaint to the superintendent Brockway, but it would not do me any good for it is on account of not knowing the English language. I have seen men getting their good time in the lower first grade; that is, in the black suit. And I am in the blue suit now for the third time, and I always ask about my rights, and I can not get any. What shall I do about it?

I remain, your obedient.

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No. 327.

Elmira, Sept. 26, 1893.

Gentlemen:

I have not but a few words to say, and that is this. I have been taken to the bath-room and paddled with a strap till I was so sore across the kidneys that I could not hardly get out of bed the next morning. When in the bath-room I happened to turn my head toward Mr. Brockway to ask him to let me go, and he said I am using you like a mother and struck me across the eyes with the strap. And after he got through with me they run me out and threw my clothes after me.

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No. 328.

I can't make any complaints. I have been treated all right. I never had any trouble in getting along.

No. 329.

Hon. Mr. Craig:

I have nothing to say about this whatever, but I can say that Mr. Brockway is a very fine man in all of his dealings that I have had with him, he has given me a fair play of it since I have been here so I have nothing to say about Mr. Brockway for he has always been friend to me so, therefore, I have nothing more to say.

(Inclosure of peacock feather.)

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No. 330.

Elmira, N. Y., Sept. 27, 1893.

Dear Sir.— I am getting along all right now, the only thing is keeping me back here is school. I have got the blue suit, a month. I am here now twenty-one months. Then in the red suit three months but I did not go down the bath-room. I have been down the bath-room twice, but Mr. Brockway did not spank me. The only thing that keeps me here so long is the inmates. They report you so much and the colonel will not believe us. He believes the officers. I will be a good man, and I hope to be home in six months if I get along in school.

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No. 331.

Sept. 26, 1893.

Dear Sir.— The only thing that is keeping me from going home is I am very bad in school, and if I get any show at all at all, I think I can make this place all right. I am getting along all right now, and I hope I will be home with my mother soon because my mother needs my help. I have had a pretty hard time of it. When I came here first my eyes was weak when I came here first and I could not get along in my work. I don't pretty bad work and then I got reported for it. I was down in the bath-room and I received a good spanking for getting reports for being short in my work, and doing bad work when it was not my fault. But I am on the way to get out of here and it will be a happy day when I get out of here for my mother's sakes and sister and myself.

Yours truly.

No. 332.

Sept. 26, 1893.

Mr. Oscar Craig:

Dear Sir.—I have nothing to say about the place at all except as I have been treated like a prisoner.

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No. 333.

26, 9, '93.

Dear Sir.—I have nothing to say about the place at except been treated as a prisoner.

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No. 334.

26, 9, '93.

Dear Sir.—I have nothing to say whatever except that I have been treated as a prisoner should be treated.

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No. 335.

Elmira, N. Y., Sept. 26, 1893.

Dear Sir.—I hereby take the opportunity to write you this letter as I have one request to make to you. I was one day in my room when I came in from work, I was accused of talking. An officer came along and he heard a few men talking he did not catch the right man. He chalked the three of us in. He did not tell us anything about it but went to the guard-room floor and got an order to have us paddled for it. Colonel Bryan came the next day to question me about it, and I said I did not know anything about it, so the colonel went away and I heard no more that day. The next day I was sent down to a cell without a bed or anything to lay upon or anything to eat or drink but bread and water for a few days. The day I was to go to the bath -room was Wendnesey. That came, and at 2. m. I was taken out of my cell and taken to the bath-room. I was no more in there when I was grabbed and punched and kicked around the floor, and then he said, "Get up there and take down your pants." I was placed to the wall and then flogged till I was unconscious. Then I was taken out to the gymnasium. When I came to my senses one of my eyes was closed and very black. It affects me to this day, and my back. This is all I have to say about myself, but if you want me to tell other things I can do so.

No. 336.

Hon. Mr. Craig:

I have nothing to say.

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No. 337.

Hon. Mr. Craig:

I have nothing to say.

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No. 338.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I am getting along well, the simple reason is that I stand in with the lieutenant and captain, and I am what you would call a politician in (?). When I was in the awkward squad got run up against the steam pipe by a prisoner and punched in the face and called the son of a B.

Yours respectfully.

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No. 339.

26, 9, '93.

Hon. Oscar Craig. Esq.:

Dear Sir.—As you ask for my truth confession, I will give it like a man. I am here now twenty months. Well, for the first eleven months I did not get along, owing to rheumatism in my feet, which I got in the foundry, where I was assigned to on my entering the reformatory. But notwithstanding the torture I was in, I was made to do my work for six months in the red suit, on bread and water. At the end of the eleven months the doctor of the institution took me out and put me to another job, where I gained the upper first grade in six months. I was just one month in the upper first grade when I was accused of an offense and put back in the foundry again. But otherwise I have no fault to find with the place.

Respectfully yours.

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No. 340.

Mr. Craig:

In response to your invitation to place before you my case, I beg to put what I consider three important injustices. First of all I speak of the treatment received at the hands of the superintendent on August 14, 1890, and June 16, 1892. On the two days

mentioned I was taken to the bath-room and subjected to punishment which, if witnessed by interested parties, would not hesitate to be declared inhuman. This is the "fatherly advice" freely extended by the superintendent. On such occasion no pains are spared or efforts restrained to make the punishment the most severe that can possibly be inflicted upon a helpless prisoner. Secondly. The discipline department is under the supervision and direct control of one of the most unmitigated scoundrels that ever inhaled pure air. Regulations are promulgated by this scoundrel and when cases in conflict to the rule arise twists and turn the rule in such a manner that there is not the slightest crevice for an unforutnate to escape. This party preaches speedy release to all men, and then, with the sanction of the superintendent openly puts the first unfortunate that comes before him in the "red suit." This is only a slight instance of the justice such as is meted out by this disciplinarian. Thirdly. I speak of inmates supervision which is one of the most deterent influences that can be practiced in a penal institution. Under the supervision of another prisoner one can either be sent into the "convict grade," or he can be allowed to earn a parole in one year. When under the supervision of an inmate a speedy release in many instances is a rare occurrence indeed. An inmate officer has a perfect mania for putting another inmate in to the red or "convict" grade. Now then, honored sir, there are many instances which is impossible to put in writing and as my incarceration extends over a period of three year and six months you can readily observe that what one desires to communicate to the investigation committee can not be put upon paper. I now ask of you and the committee to grant me a personal interview. In conclusion I desire to state that if the satisfactory adjustment of my grievances can not be obtained through this committee then I shall endeavor to put my case before the general public at the earliest possible moment.

Respectfully.

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No. 341.

26, 9, '93.

Hon. Oscar Craig:

Dear Sir.— During my stay here (one year the twenty-ninth of this month, September) I have no reason to complain of the treatment I received here. I came here to pay the penalty of my wrong doing. My stay here was profitable in many ways and I am very much pleased to be able to make this statement.

Very truly yours.

No. 342.

Hon. Oscar Craig:

Sir.—I have been here now eleven months and I have every reason to be grateful to the general superintendent for the just and fair treatment which I received during this time.

Sept. 26, 1893.

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No. 343.

26, 9, '93.

Hon. Oscar Craig:

Sir.—As far as I am concerned I am really pleased with my stay here, inasmuch as I have learned a trade and had no difficulty in getting along here for the simple reason that I lived up to the rules and minded my own business.

Yours.

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No. 344.

N. Y. S. R., Elmira, Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I have been at the reformatory twenty months and have always received treatment that was due me. I can not complain, as I have nothing to complain of.

Yours truly.

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No. 345.

Sept. 26, 1893.

Hon. Mr. Craig:

I was committed to this institution October 8, 1892. I was informed of the rules and regulations here, and I have tried to live up to them. I have made a good record while here, and except to go before the parole board in October.

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No. 346.

Sept. 26, 1893.

Mr. Craig:

Hon. Sir.—I was committed to this institution October 11, 1892, was told the rules, and have followed them as closely as I could.

I was promoted to the first grade in April, and expect to have my parole authorized by the October parole court. I have lost but one mark while here. From this note you can draw your own conclusions.

Yours respy.

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No. 347.

Sept. 26, 1893.

Hon. Oscar Craig:

I came here November 3, 1892. I had the rules fully explained to me, and I found no difficulty in keeping them. I have made a perfect record every month, with no exception. I expect to go before the next board.

Yours respectfully.

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No. 348.

Sept. 26, 1893.

Mr. Craig:

Dear Sir.—I arrived at this institution Nov., 1890. I was locked in my room for a week, at the end of which I was taken to the bath-room and paddled for something I did not know was against the rules. I could not lay on my back for three weeks. My eyes were so black and swollen that I could not see for four weeks. My back was like a board when he got through with me. I was not only paddled once, but several times, for trifling offenses. I was once reported unjustly, and as the rule was to deny an unjust report, I sent it to the superintendent and he asked the officer who reported me was I talking. He said yes. As he was a citizen, his word was taken before mine, so I was flogged so I could not stand. I think that inmate authority ought to be done away with. I am an officer in the military, and am compelled to report my fellow convicts, which I think is not right. The last time I was spanked was nearly two years, and still feel the effects of it.

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No. 349.

No. 349 is an inclosure form of demeanor report.

No. 350.

26, 9, '93.

Mr. Craig:

Sir.—On my arrival in this institution in Nov. 1890, I was assigned to work in the foundry as a molder. The first week, no task; second, one-fourth task; third, one-half task; fourth, three-fourths task; fifth, full task. I was not able to put up my full task, so I was taken to the bath-room and flogged until I said I would do it. The flogging was so severe that I could not lie on my back for weeks. The paddling was to be continued if I did not put up my task, so I had to put up dummy molds to make them believe I had the full complement of work on my floor. This institution is run by the inmates. I now hold position of trust and if I had a grudge against anyone in here I could give them reports that would keep them here. This institution should have all citizen officers and then men could get out of here.

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No. 351.

Dear Sir.—I would like to state to you that the authority the management give to an inmate here is not right. For there is too much getting square with people. Reporting other inmates that have not committed no offense whatever. But they get the report and have to keep it, for if they send it back to the colonel why he will send for you and the inmate officer that gave you the report and ask the inmate officer what he has to say. Why he will state that you committed the offense and he done his duty by reporting you for it. Then the colonel will say, "That is all; you can go." Your word is not taken, but the inmate officer's. Here is another case. The monitor in my shop is an inmate. If I would give him tobacco why I could do as I pleased and not get reported for it. But other poor men that could not get tobacco to give him would have to take a report for every time he committed an offense against the rules here. I think every man in here will say the same thing for the inmates are just the ones that cause all the trouble. I can let an officer of the reformatory come up to me and say what he likes, but when an inmate comes up and tells you to shut your mouth or he will run you up to the colonel is a little too much authority for a convict to have. I hope you will get enough notes like mine to take them in consideration and have it done.

No. 352.

Sept. 26th, 1893.

Hon. Oscar Craig:

Dear Sir.— After being in the first grade for near eight months I was reduced to the lower first grade without having an interview with the general superintendent to say a few words in my own behalf. I have also received two first-class reports which I sent back to have investigated and in return received the two inclosed slips. I also received a first-class report for not taking fruit to ice-box. The only time I was told to send fruit to ice-box was when we had abundant supply in dining-room. I was compelled to act as head waiter, and being held responsible for fruit when I had to act as meat carver in a room away from the fruit. I had an interview with the general superintendent about my case, but received no satisfaction from him.

Yours truly.

P. S.— Please find inclosed two reports and two slips which I would like to have returned to me.

(Four inclosures.)

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No. 353.

26, 9, '93.

Sir.— I have received good treatment since I came here and have been sick in the hospital and was treated the same as if I had been sick at home. I have been here fourteen months and have seen a good deal but as I have not received any bad treatment, myself, of course, I will not exaggerate anything but I have seen men who came from the bath-room with black eyes and swelled noses and marks on their face from the strap. One man I saw was Def. Lahey who used to work next to me when I was making stockings.

Respectfully.

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No. 354.

Sept. 26, 1893.

Mr. Craig:

Dear Sir.— I am now here two years and am sick ever since but a few months and have a blood disease called scrofula and I have running sores all over me. All that is done for me is to cut them and let them take their own course. First, I only had one; now I have a chest that is horrible to look at and I have

them all over my neck and head and I am not able to work. I know it is my own fault for staying here so long but that is no reason that they should keep me here till it runs into consumption. I keep my sickness back from telling my people until lately and the last letter I got says they are glad I am in such good health. Now that goes to show that they did not get the letter I sent out. If I do not get out soon I will never be good for anything any more. Now I have two nines in a blue suit; that is my third; why don't they send me home or do something for me? I can not complain otherwise. Send me an answer.

Very respectfully.

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No. 355.

N. Y. S. R., at Elmira, 26—9—93.

Hon. Oscar Craig:

Dear Sir.— The only thing I have to say against Mr. Z. R. Brockway is that he does not let me go out to parole, though my parole was authorized for August, 1893. He has paroled several men that I know very well through the officers that they did not have employment before they themselves got it. He gives them ten days to get employment but he denied it of me. I have the note hich he sent to me, and I am very sorry that he does not the same to other men but only those whom he likes. I do not think that this is right. And he usually promises everything but he don't keep his words.

I saw once an inmate; his name is Byman who was spanked and when he came out from the bath-room his face was black, red and bloody and one tooth was kicked out from his mouth and he was so weak that they were obliged to place him in the hospital and he is now in physical culture class and I believe he never will be healthy again.

Secondly. I saw the military instructor, C. F. Bryan, punch one man into the face several times that blood came out like a stream from his nose and mouth and he fainted and fell down to the blacksmith shop floor. F. F. Bryan is very haughty, cruel, and altogether unfitting to an officer in such an institution like this is, and he does as he pleases with inmates. An inmate has not any rights in his side here. The other officers tells us that he has had a bad record before he was taken here as military instructor and we can see easily that it is the truth. He is a semi-barbarian. That is all.

Yours very respectfully.

No. 356.

Elmira, N. Y., Sept. 26, '93.

Mr. Craig:

Sir.—(1) I have not any cause to complain. I have done right and result is I have been treated right.

(2) I have learned considerable while here.

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No. 357.

Hon. Sir.—If you will take a little time and look over my record, I am here three years and seven months the first of October, and I would like to get my short time for I have tried very hard to get out. I am in the blue three months the first of next month and would like to get short time. The first thing is, a man went and said I had tobacco. I got a first-class report for having it when I did not. The other man that said I had got one for lying and I sent it back and it stood; and another thing is, I went eleven months without losing a mark, and the next month I lost a mark by another man saying I was fighting, and lost nine marks, and when I came out the man that told the officer said he thought I was fighting and I held the black suit two years when I was doing a job in a hurry and when I got it done I had to go to the closet I asked the boss, and then after a few minutes he came in again and he wanted me to do another job and I told him I had to get in the closet he said he did not tell me I could go and I got a red suit and was paddled. If you will please give me short time for I have a widowed mother outside, no one to give her a helping hand, and I think I am so reformed now for you can see for yourself that I tried hard enough to get out.

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No. 358.

Elmira, N. Y., Sept. 26, '93.

Hon. Oscar Craig, Chairman State Board of Charities Investigating Committee:

Sir.—I can not complain of any cruel treatment received by me while here, but have been treated as fairly and as justly any one could expect in my position. Am here nearly two months and in good standing in the upper first grade; never have been in the "red suit" and spent only seven months in "black." I knew no trade when I first came here, but now have learned

printing tolerably well. I had forgotten nearly all the rules of arithmetic and language which I had learned in the public schools; but after a few months teaching have recollected them and can see unto them now clearer than ever before. I have also recuperated in mind since my admission and find my intellect brightened considerably.

Yours respectfully.

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No. 359.

Sept. 27-8, '93.

Hon. the Chairman of the Committee:

Dear Sir.—I take the pleasure of telling you that he treated me all right the time I am here. That is one year last Sunday, Sept. 24, 1893.

From.

All right so far.

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No. 360.

Elmira, N. Y., Sept. 26, 1893.

Mr. Oscar Craig:

Hon. Sir.—This opportunity having prevailed I am very thankful to give a brief statement regarding the privileges an inmate or inmates may have under the management of this institution. First, I will give a brief statement of my confinement here. I reside here in the city and have a ten (10) year maximum sentence. The first of October will be six months since I came here and can honestly admit that I ask for no better treatment than I have received while under the discipline of the reformatory rules and regulations. If an individual, whoever he may be, on entering this institution, would follow the instructions that are given there would be no necessity of any complaint. He would not only be used like a gentleman but would have privileges and liberties which, in other institutions, I think they have not. I can appreciate what has been done here for me in my advancement, and if others would live an honest and upright life while here they would succeed in earning a parole in a short time.

Yours respectfully.

No. 361.

Sept. 26, 1893.

Hon. Oscar Craig:

Sir.—The food the men receive is fair as the upper first grade; the lower first and second do not receive enough. I have been hungry ever since my arrival.

The prisoner officer should be abolished.

Mr. Brockway personally is quite satisfactory.

Respectfully.

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No. 362.

Hon. Oscar Craig:

Please let me come to see you.

Respectfully.

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No. 363.

Sir.—I have not anything to say about myself as I have not been here long, but what I have to say is that a friend of mine, when he came here, was as sane as you are. I saw him one day in the lecture hall and he was in the red suit. I asked him how he was getting along. He said he was down in the bath-room twice this week to get flogged. I saw him a little while after that and he seemed to have no life in him. A little while after that I heard he was in the Matewan Insane Asylum. Please do look into his case as he has no one on the outside to do it for him. His name is Thomas Homes. He was sent to the insane asylum around the latter part of June.

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No. 364.

Elmira, N. Y., Sept. 25, '93.

Gentlemen.—This is the truth, the whole truth and nothing but the truth. On the 31st of May, 1892, I was taken to the bath-room, and because I could not stand up and take all the superintendent wanted to give me, he said to me, "If you don't stand up and stop crying you will get your head broke." And on the twenty-first of June I was reduced to the lower first grade in the wrong. The colonel would not give me a fair investiga-

tion. The reports I got I did not deserve. I was doing my duty when I was reported in the wrong and when I told the colonel I would get proof he would not listen to me.

I remain truthful to your command.

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No. 365.

September 26, 1893.

Dear Sir.— Go on with the good work. Look into the solitary cells where he keeps men chained to the wall for days and weeks and then beats them into unconsciousness for the great crime of having a small piece of tobacco. When a poor fellow can not do his task, and is willing to do right, he is flogged almost to death, or until he has kidney disease, and is hardly good for anything after. If there ever was a God sent it it has come this time, but I think he is too firmly rooted to this place to be recovered, and if he is I pity the poor fellows who shall gain his ill-will in the affair. I do not dare to sign my name for that reason. This is from one who has been unjustly treated and does not sign in fear of more.

Solitary and bath-room.

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No. 366.

Sir.— It seems to me that it is natural for man to try and better his condition, let that be whatever it might be. If I had been wrongfully abused while here I should not hesitate a moment about telling you, but the fact is I am a new man here and so suppose I have been treated the same as the average of the men here, which means, in my case, at least, very fairly by the officers of the institution, though not quite so fairly by the prisoners who are vested with authority to report.

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No. 367.

Sept. 25, 1893.

The only thing I have to say about the place is that the food is not good enough and the way a man is treated as to the officer inmates. When a man is trying hard to do right then to have some one to put you down. Otherwise I have nothing more to say outside of this. The superintendent has always treated me like a gentleman. That is all I have to say.

No. 368.

Tuesday, Sept. 25, 1893.

Mr. Craig:

I can not say much about the institution, for I have not done so wrong that I deserve severe punishment and have not received not to say anything only (?) yourself if I was allowed to say what I have seen I could say very much concerning the bath-room. The way men have come out of there is something outrageous, although I was not there. There is a few things I would like to say, and that is the bath-room or paddling business ought to be stopped, for if it is not, in a short time it will in the future, and you will not have to go there many times, say five to ten times. In many cases men have been knocked out in one single paddling, and the food the superintendent gives us is something terrible. It has been better this last few days, but as soon as this is over it will be the same thing. There ought to be a change in the food. If you lay in sick the doctor will chase you out and tell you you are fooling him. He has no sympathy for a man at all. Although this is a poor place for a man to come and look for sympathy. I think if the superintendent and Colonel Bryan and Mr. Hoppe were out of here the place would get along better. The sooner they are removed from this place the better it will be for us and the men to come, for they are the ruination of the reformatory. If I could do it I would.

Yours respectfully.

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No. 369.

26, 9, '93.

Mr. Craig:

Sir.— I have not very much for to say about the management of the institution. I have been here a little over eighteen months and in that time I believe I have received only what I justly deserved. I have been in the red suit, but I got out of it because I tried. When I was in the black suit I was going into the red a second time when I went up to see the general superintendent. He told me he would see what he could do for me. He gave me another month for to make up a nine, which I did, and am still in the blue suit.

This statement of mine is absolutely the truth.

I am yours very respectfully.

No. 370.

Sept. 26, '93.

Dear Sir.—I can not say anything against the superintendent as he has used me all right. I have been trying to get along and he has helped me some.

Yours respectfully.

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No. 371.

This looks like a farce. Take us all up one by one and you will get some information. Take some other means. There are a great many here who can not write or even print. Them are the ones who can tell some stories that will open your eyes.

DEATH PADDLE.

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No. 372.

To Hon. Oscar Craig:

I am a new man and I can't say anything of this paddling because I never was there. I am in this reformatory five months, and since I came in the reformatory I am getting more schooling.

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No. 373.

Elmira, N. Y., Sept. 27, 1893.

Mr. Craig:

My experience with the superintendent in the bath-room here is very serious. I got spanked for having tobacco till I could not stand up. They had to carry me out of the room, and I was chained down in a dark room for five days on light ration. I think that the rations we get here are poor enough without making them worse and I also, when I was in the second grade three months ago, they used to bring me down to the bath-room to spank me for a third-class report. I am all broke up from getting spanked. I can not do half the work I used to do before I got spanked, and I also carried the marks and I will carry them to my grave. I am willing to show them to anyone that wants to see them. I have more to say but I can not explain myself, but I can if I was asked questions.

Yours truly.

No. 374.

N. Y. S. R., Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I have been down to the bath-room three times in all and I think two of those times did not deserve what I got. You will perceive by the inclosed that I had but two alternatives to take, that is to brace up and get a black suit or go down again. The first time I went down was in March, and I did not know which way to turn my head and consequently was struck on my face and received a black eye which laid me up for three and a half days. I will admit I deserved some punishment, but as to getting my eyes blacked simply for having one dollar and sixty-five cents in labor reports, I think is injustice. As to the labor reports I received during the month of March, they were due to my eyes being weak, and consequently I could not set the type correctly in the sticks. I told Mr. B. about my eyes and saw the doctor, but he said there was nothing the matter with them, but I find they are too weak even at present for that work.

Yours respectfully.

(One inclosure.)

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No. 375.

Elmira, Sept. 26, 1893.

Hon. Oscar Craig and Gentlemen:

Since my stay of almost one year I have seen and heard considerable.

Mr. Brockway, in my opinion, has several times overstepped his authority in the manner of punishment. I have been chalked in and taken down to the bath-room, but I did not receive physical treatment with the strap; I was only cautioned with some remarks and a few gentle reminders with the hand on the chest, and told that I should hereafter have to make a better record, and this for a slight cause. I have seen men come out of the bath-room with their coats over their heads in a very weak and fainting condition, and also saw their backs where they had been spanked, as he calls it, and I can assure you it is cruel and unjust.

I would also say that I have seen and known men who had been placed in solitary and had been taken in and out and paddled several times.

A few suggestions I would offer that would benefit the inmates and secure the end which the law requires; i. e., the reformation of criminals and the restoration to society men who will hereafter be upright and honest citizens.

1st. Do away with spanking.
2nd. Do away with inmate officers.
3rd. Remove Colonel Bryant.
4th. Limit the stay in solitary to five days and no longer.
5th. Give the lower first and second grade better food.
6th. Let a man have justice, which he does not now get.
7th. Do away with second class reports for military, which we always receive for very slight mistakes.
8th. Allow lower first grade the same privilege to converse with one another as in upper first grade.
9th. Keep the present superintendent.

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No. 376.

Sept. 26, 1893.

Hon. Oscar Craig:

I have been unjustly treated while in this institution. I have been called a ..... by one of the officers and was taken down to the bath-room and received twelve lashes and boil over my eye for nothing at all. This officer that called me that was Mr. Halpin. He was lieutenant-colonel here. I have been unjustly treated here by the inmate officers, getting reports from them when I did not deserve them. I have been taken down to the bath-room seven times and got spanked five times for reports, although half of them I did not deserve. The reports have kept me here. When I send back a report the officer would say that he saw me talking and I should say a thousand times I did not they would believe him better than me, and that is the way I would get a first-class report for denial. Even now I get reports that I don't deserve. I am not writing this because it might do me good. It is the simple truth. If I was to get a report for talking to a man when I was not talking to any one at all and I should send it back I would be called up and have it investigated; they would ask me if I was talking to that man and I would say I did not talk to that man and then they would ask the officer if he seen me talking. He would say, "Yes," and that would be more than I could say. And so I would get a chocolate report for denial. If I was to get reports what I deserved only, I think I would have made a parole. The officers that gave me the reports are most of them home. Some of them gave me reports just to get home quicker. I don't believe I have been rightly dealt with since I have been in the institution. Do not think I am writing you this, thinking that I would be rewarded, for I know I will gain

nothing by it. All on account of reports I have been locked in the "rest cure" for two weeks on two slices of bread and water a day. I was unjustly put there. If you should ask any inmate that was working in the H. W. finishing class whether this statement is true about Mr. Halpin calling me a ....., they would tell you the same thing. I have been in the red suit the first time twelve months and the second time ten months. I only went out to the red suit this month.

Yours truly.

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No. 377.

Elmira, N. Y., Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.— I would like to tell you the truth about the floggings I received while being in the red suit. I have been down to the bath-room with two officers and the superintendent, when I had to stand alongside of a window with my hands on it. Then the officer rolled up my shirt and the superintendent lashed me till the blood ran down off my back, just for getting one dollar and fifty cents worth of reports, and the last February I got fifteen more lashes, and they had to carry me out of the bath-room. They said it was for some licentious purpose, which was a lie. I am in the reformatory now twenty-six months, but I should have been home long ago. That is all I have to say.

Your oblige.

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No. 378.

Sept. 26, 1893.

Dear Sir.— I have suffered myself under the hands of Superintendent Brockway. I was in the bath-room twelve times, and I got paddled nine times. Superintendent Brockway has made a cripple out of me. My right arm I can not use any more for hard work. I can't make it straight. I have asked Dr. Wey three times about it and he told me that it never gets straight again. A man can never say anything about it in here; if he does they paddle you again. The last time I was in the bath-room and got paddled I was in the solitary for nothing. A man told him that I was writing a crooked note. Gentlemen, you may think that I am telling you a lie; I can prove it. Many men have died from this paddling. Gentlemen, you can not imagine how that feels

when the superintendent hit you with the strap; that is inhuman. After he is through with you he laughs with you and comes with his nice talk. If I could talk with you I could explain better. I can not write good.

Respectfully yours.

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No. 379.

Hon. Mr. Oscar Craig, present:

Sir.—I attach explanation of the most unfair way in which I was treated lately by the superintendent, who, I must say, for his benefit, is acting under the guidance of his keepers, and who very often does not know the exact things.

I give my most hearty wishes to the charitable cause you have undertaken, and hope you will get at the truth, although you must take into consideration that many fellows who have been treated the most cruelly are too poorly educated to make their complaints reach you.

Besides over 100 fellows transferred to States prison since January, and ten fellows transferred but last Thursday week, have been treated unfairly and you can not hear them. If it is within your power I wish you would transfer me to State prison.

Respectfully.

(Five inclosures.)

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No. 380.

Sept. 26, 1893.

Dear Sir.—Through all my stay in here I was treated justly and as I deserved.

I thank God for such a grand institution as the reformatory is, and if I can not graduate in a year I should consider it my fault. This institution offers advantages for acquiring a trade, repair shattered health (by improving regular life and habits) braces a man up (in his military duties), and a man must be a fool when he can not derive benefit from all these.

As to Supt. Brockway of Col. Bryan, they always considered my conduct with closest scrutiny and not cruelly but justly.

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No. 381.

Mr. Craig:

As Mr. Brockway said about reports I think it ought not to be right to have inmates for officers here. If he is sour on you he

is going to banner you up just for fun and put others on to you too. This happened to me and not only sent me down in the red, but they gave me enough reports to send me down in the bath-room and then get about well, from seven to thirteen raps just for nothing, just because the man is sour on you from the outside as in here before he was made an officer. Mr. Craig, I think, it ought to be right to let red-suit men write letters. The first time I was in the red grade I was nine months and could not get along in school; that is what kept me in it and my parents at home worried what was the matter with me. The last letter I got my mother wrote to the superintendent and asked him what was the matter with me; wanted to know if I am sick or what was the matter with me. And, another thing, red-suit men ought to get a little better eating. Work all day and then come in and get half a pan full of soup, and at night a cup of water, and all the bread you want you get and a ..... (?) of molasses every fifteen days, and that breaks up a man, especially in the winter when you get up in the morning; hash; if you eat it and bread and a cup of ice water that will freeze your inside; and another thing; that doctor don't do much for you. If you go to see him about something he will tell you you are a fake. I am sick in my stomach and he ain't doing anything for me. One time there was nothing but blood and slime given from me and he seen it himself. Then he gave me some stuff that I could not shit for a full day and then it would come on me again. I can't say much but if I would not take care of myself I might have had bad dealings myself. The people that had hard times here and got pretty near killed, them is the people the superintendent sent away last month on account of this investigation. Here is one.

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No. 382.

Mr. Craig:

Dear Sir.—I write you these few lines to let you know the truth and nothing but the truth about what I went through while at this institution. I was taken down to the bath-room at the first day of June by Mr. Brockway, the general superintendent, and he told me to take down my pants and roll up my shirt to my neck and while I was walking over to the window to do as he said, he hit me over the head with the strap and I had a headache for four days and besides I was bleeding at the side of my ear, and after I got that crack he gave me six more over my back and thigh so when I went back to work I could not sit down and work; I was too sore. I also

got a notice from him saying he would take me down again if I did not look out. I went down in the red suit the same day and here is the notice I got sent to me by him. That is the truth.

(One inclosure.)

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No. 383.

I have been here only three months.

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No. 384.

Sept. 26, 1893.

Dear Sir.— I have not got anything to complain of since I have been here.

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No. 385.

Sept. 26, 1893.

Sir.— By your request I take the pleasure to write as follows: I have now been in the reformatory seventeen months, out of which I was in the red-grade level and in that time I never had any trouble with the superintendent.

And I now have the chance to learn a good trade which I never would have had on the outside.

Yours sincerely.

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No. 386.

Elmira, Sept. 27, 1893.

Dear Sir.— As far as I know I think Superintendent Brockway is very gentle with his inmates. I don't know much about him because I am only here two months.

Yours truly.

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No. 387.

Sept. 26, 1893.

Hon. Mr. Craig:

I have been in the New York State Reformatory five (5) month. I have always got along very smoothly.

I only had one occasion to ask the superintendent to grant me a favor. I can say he did it and spoke very kindly.

Respectfully.

No. 388.

Tuesday, Sept. 26, '93.

Hon. O. Craig:

Sir.—I will state that no man who properly conducts himself will ever get into any trouble through the superintendent.

Personally I have no complaint to make against the superintendent, who has treated me with as much consideration as I deserve.

If a man is not treated fair I do not think it is the fault of Mr. Brockway, but of some aspiring inmate officer, who would let us unfortunate criminals see that they can do about as they please.

Hoping that this will be taken in the light of my firm convictions,

I am.

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No. 389.

I would like very much to learn brass molding.

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No. 390.

Sir.—The only thing I have to say against Mr. Brockway is that when he whips us with that strap he hits us in the face with it. He hit me one day three times in the face while whipping me, and I did not deserve the whipping. I am willing to stand and take a whipping when I deserve it, or when I do not deserve it, but I do not like to be hit in the face with that strap. I had one black eye from it for a week while in the red suit, and I hope it will be the last one for a while. I do not say this to get him in trouble, nor I do not want to be hit in the face with a strap.

Yours resp.

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No. 391.

Sept. 26, '93.

Dear Sir.—I have not got much to say, but I must say that I do not get treated fair. Some time ago I was fined sixty cents for changing books, of which I knew nothing about, so, of course, I sent it back for investigation. Then, without investigating it,

they send it back, and fined me another dollar, and if I would have sent that back I would have lost my grade and get paddled. I must say that the reformatory is not managed properly.

Yours truly.

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No. 392.

Mr. Craig:

Sir.— I desire to see you personally, if possible, but will say here that I have suffered a great deal from Mr. Brockway at the bath-room. I have been down there fourteen times and was most cruelly treated, treated for nothing most times. I received three black eyes three different times, from being hit over the head and face. I was once knocked down and thrown in the bath-tub and received seventeen strokes from the paddle which the superintendent uses. Besides this, I have, when through being "spanked" been thrown head first out of the bath-room door into the steps of the iron ladder by one of Mr. Brockway's assistants. I think now I am suffering from the effects of the paddlings. The food we receive is not fit for pigs, and if a man is called he does not receive justice from either the superintendent or the colonel. I desire to see you personally, if possible.

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No. 393.

Tuesday, Sept. 26, 1893.

Dear Sir.— All I can say in reference to my treatment here, as far as the general superintendent is concerned, is that during my present sojourn, which is now going on five months, I was treated as a man, that is, that I found no complaints whatever at the hands of the general superintendent, and if I had I now assuredly would have deserved it. Of course I found some complaints about reports. I never said a word about it to anybody, for nobody is to blame for that but myself.

Yours respectfully.

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No. 394.

Elmira, N. Y. Sept. 26, '93.

To Mr. Oscar Craig:

Sir.— I will write you a few words to let you know that I was not used right in the hands of Superintendent Brockway. I am

in this institution over twenty-seven months, and think I was not used right on my arrival in this place. I was put into the awkward squad and was in there for four weeks. After I graduated I was put into the iron foundry and put on task. After being in there four weeks, and there's where my trouble begins; my task was sixty-four molds a day, and at first I was unable to put so many up, but gradually I became used to my work and was putting up as high as seventy to seventy-eight molds, but still I always was short, and was taken down to the bath-room for it. This continued for at least two months, and then I asked the superintendent to change my work, and he said that he would see that he could do for me, but never received any answer. Seeing that he did not pay any attention to it, I wrote and asked for an interview, and asked him the same thing over again, and this time he looked it up and seeing it was not my fault he put me out in the yard to work at the coupolo. After being out there for two months I was put in the first grade, and then I made three perfect months without a report, but in the fourth month I told an instructor that was working in the foundry that I would not go and shift weights, saying these words: "I will be dumped if I will shift weights;" and told him to go to hell. For that I was put down into the solitary from Saturady until Monday afternoon; then I told him the same words that I had told the instructor, and said that it only was in fooling that I said it, and that the instructor knew it, but he seemed not to believe me, and said to put my pants down. He gave me four cracks with the strap and asked me to apologize, and I told him that I would, and he let me go, but still he put me in the new second grade and two second-class reports. Now, do you think that was right? I think not.

I am yours.

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No. 395.

To Hon. Oscar Craig:

Would you please look over my conduct book. I think that every month that I am in this institution, I think that my marking is wrong. I am only here six months the sixth of October and I have not a bad record, out of the six months. I have three perfect months. One thing that I can pass in is the school, and I would thank you very much if you would see about it. I am here six months and I don't go to trade school. Mr. Brockway said he would send me to learn the hard wood finishing trade as soon as the night class is open. You would very much oblige me if you would let me know when the class opens.

No. 396.

Dear Sir.—Please excuse me. I can write.

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No. 397.

I have been here for seventeen months in the same grade, the lower first grade. I am molding and some of the tasks I can not do. When I get ahead with my work they give me a task I can not do. They gave me labor reports, and they can keep me as long as which (?) that way. This is one of the reports. That is all I have to say about that. One of my hands is sore and molding keeps it sore. I can not write very good.

(Two inclosures.)

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No. 398.

Hon. Oscar Craig:

I have not anything to say in regard to Mr. Brockway's abuse of the men, for I do not know anything about it; that is, about the licking part, but I think there could be better judgment used about reports and school. The inmates has it in their power to report a man whenever they want to. Sometimes men get reports through hard feelings and then if you send them back they will lie about it and say you was in the wrong. I am here eight months and have got along all right only in school. They have kept me just above where I could reach ever since I am here. Now I remain in the second grade and I am no nearer.

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No. 399.

Sept. 26, 1893.

Hon. Mr. Oscar Craig:

Dear Sir.—I have frequently expressed to you this notice and now I will tell you the truth, all about my long stay here.

First is for school. Second is for some of the officers; they don't like some kind nation's people, and I always do what is right. One time last January, '93, an officer told me to wash my face in some dirty water that was black as a coal, and I told him I could not wash my face in that water, because that would not clean my face.

No. 400.

I have been ill treated since I have been in this school; I can swear that I have been punched and (?) by the instructors awkward squad because I didn't learn quicker than I could; they would try to pound it into me and if I made a complaint.

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No. 401.

Sept. 26, 1893.

Hon. Oscar Craig:

Addressed.

Dear Sir.—Personally, since I came to the reformatory (a little over a week ago) it has been most just. From what I have observed it does not appear that a man who is sincere in trying to get along and reform could be sent to a better place than this institution as managed at the present time.

Respectfully.

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No. 402.

Dear Sir.—I do not know much about the place so far; I am only here a week and three days, but as far as I have found nothing to complain of.

Yours truly.

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No. 403.

Hon. Oscar Craig,

Dear Sir.—I have only been in the reformatory a little over a week and have been treated all right I have not trouble with any of the officers or with the superintendent and therefore can not kick.

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No. 404.

Tuesday, Sept. 26, 1893.

Dear Sir.—I have only been here one month and I have been kicked and punched and abused very much by the instructor of the awkward squad and he has given me reports and I did not know the rules when I was only here one or two days, and the food I get to eat is terrible, the coffee and tea is nothing but hot

water, and it tastes so bad that I can not drink it, so I have to drink water. When I came in here first I used to get rice cold and milk and we got that two weeks and then they did not give it to us any more. We used to get that in the evenings. Now we don't get nothing but bread and the tea. I can not drink it so it is bread and molasses and water.

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No. 405.

Sept. 20, 1893.

To the Investigating Committee:

Sir.—I do not know anything about this institution as my imprisonment only dates from July 27th, 1893, but you can not give it too bad of a name from what I hear around me.

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No. 406.

While I have been in the institution I have been treated middling by the superintendent until lately I am being used like a dog and one of the causes is through the colonel. No matter whether you do right or not and you go to the colonel and tell him the fault, no matter whether it is right or not he will get you the bitter end of the thing. Last month I got a report and I sent it back and told him it was a wrong report. Well, he said you must deserve the report or else you would not get it. And he brought it up to the superintendent and as usual I suppose the superintendent said "I will believe what Col. Bryant said and let the private take the result. He is of no account to us in any way whatever." The colonel is worse than the superintendent. He gives nobody a show but an officer in his military line.

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No. 407.

Mr. Craig:

My Dear Sir.—I wish to call the attention of the committee to the amount of authority given to inmates over other inmaets. Now these men are very often unscrupulous and mean men who use their power to work injustice to men under their charge. The discipline of this place is very severe and no man can get along (unless he is "crooked") without getting some reports for breach of discipline. Now

if he gets some "true" reports and some "mistake" reports (as the general superintendent allowed he was apt to) they together make him lose marks. Now, I claim that there is no reason why he should get any "mistake" reports. These are the only acts of intentional injustice on the part of the officer who gives them. I have suffered much intentional injustice, from inmates who are now and have been over me for reasons that I hope to explain more fully before the committee in person. I believe that the power given to inmates over inmates should be much more restricted.

Yours very respectfully.

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No. 408.

26, 9, '93.

Hon. Oscar Craig:

Honored Sir.— To be brief, I will thankfully make a statement that I hope will convince you and your fellow committeemen that (as Gilmore said), "no one knows the cruelties of this institution," but us inmates. I was, one last December day, taken to the bath-room and given ten strokes with terrific force across the kidneys and for looking at him (the superintendent) I was struck over the head and knocked senseless. I will swear to this if it is deemed necessary. Gentlemen, this inmate officer system is a shame, one thief keeping another thief in prison, because they are clever they are my superiors. A man in the red suit here lives like a dog, starved and looked upon with contempt, paddled, and through his fellow inmates, made suffer the largest part of his sentence. I hope, gentlemen, you will do something to make the road to liberty obtainable to all. At present it is very hard to reach.

Respectfully.

Please send for me, I will swear to this.

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No. 409.

Sept. 26, 1893.

Gentlemen.— I heard some time ago that there would be an investigation here, so last week I wrote my statement down on paper and after the talk in the chapel by the superintendent and Mr. Craig I gave my communication, sealed in a small yellow envelope to Mr. Craig in the history class Tuesday night. So

I don't think it necessary to write it over again, however, I will add a few more facts which will perhaps help you to ascertain the truth. I hope you will take into consideration that there are a large number of men here who can not write. I also wish to inform that I honestly think that one-half of the communications will reach your hands, also that men could write more if they were allowed more paper. The superintendent had a nice way of expressing himself last night, but every man will tell you if asked what hypocrisy he displayed. Gentlemen, I pray that you will find out the truth of this case for everybody's benefit as well as my own. I will give you a list of a few men who received gross injustice and cruel treatment while here. Call them up and ask them to tell you their story. Their consecutive numbers are as follows: 3261, 2880, 3731, 4177, 4850, 4789, 3259, 4544, and a man named Trabbel (?) who is in the hospital from his treatment. Men have died here from abuse and "flogging." I hope the time will soon come when we shall have at least justice in the reformatory. I for one am ready to fight for the truth and justice. So I pray to God that you gentlemen will give my case as well as every other man's a just consideration. I know you are seeking the truth and my last words are that I sincerely hope you obtain it.

I am our humble servant.

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No. 410.

27, 9, '93.

Mr. Craig:

Dear Sir.— It is something terrible the way I have been treated here. In the month of April, 1891, I got put in rest cure for six days, with one slice of bread and a drink to eat, except the extract ration of hash I got one morning, and nothing else. I would not mind if I did deserve it, but no, I did not; I was making as perfect a record as any man could make it; all the reports I had was one third-class report. And when I came out of rest cure I was like a dead man. I was sick, all broke up, and so down-hearted that I did not care what they would do with me. Well, I went up for an interview with the superintendent, and told him about it. All the satisfaction he gave me was that he did not know that I was in rest cure, and so it was not bad enough for me of being treated like a hog, but I lost my month's record on the head of it (two marks). But to come to another thing, now, when I was down the red grade, I did not get no fair show at all. Every report I would get for running short on my

task ticket for work I got chalked in at dinner time for the bath-room, to get paddled. I was willing to take the punishment every time, but when he would see that he could not make me cry while spanking, he would keep it up until I would commence to holler and call me a tough man and all that. I went down for a spanking one time for an obscene I happened to have in my possession and he gave me ten raps on my behind. I was so weak that I could not hold my hands up any longer, so I took them down; he gave me three raps across my eyes and face with the strap and blackened and closed my right eye up completely. But that was not enough. He wanted me still to put my hands up for to get spanked more. I told him I was too weak, that I could not do it; he gave me a punch of his fist on the face and knocked me down and gave me a kick in the stomach and told the others to take me out. My behind was so sore that I did not get one hour's sleep at nights for nearly a week. I used to be walking up and down my room at night time, could not even sit down to eat at meal time, and still all I could eat would be a piece of bread and a drink of water, for that is all I could get, anyhow. So here I am to-day, walking around like a dead man, instead of being home with my folks, and which really I could have been but the way I have been treated here. Mr. Craig, I know I have not got long to live. I got the consumption, and I am a happy man if I live just for twenty-three months more; I would be satisfied only to have one look at my mother and brother and sisters; then I will be content. It is enough to set me crazy every time I think of the dealing I got here. Why, it is something outrageous when a man has to do his time here for only not being able to pass in school, and I think I well deserve my short time. So now closing up.

Yours truly servant.

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No. 411.

Sept. 26, '93.

Hon. Sir.— Please call me up for an interview, my statement is too long to explain on this paper, and oblige.

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No. 412.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.— I have been treated well while in this reformatory, but I have got the first black eye that I ever had while in here,

and I never got it as hard a beating before since I have been in the reformatory. That all I have got to say.

Yours truly.

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No. 413.

Sept. 26, 1893.

Sir.—In January, 1893, the superintendent accused me and claims that I have allowed men to use me as a woman. He did not give me a chance to speak but kicked me around and strung me up, and had me in the solitary chained. Sir, I had to say "yes," or if I had not I would have been in my grave. And for punishment he takes me below and flogs me for every report I get. I beg of you to take this case up, and would like to see you much more when the time comes.

Respectfully.

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No. 414.

Hon. Mr. Craig:

I have been in here two years and nine months. I have been spanked three times in my stay at the reformatory. This is the third time I am in the red suit. The first time the superintendent reduced me for reports I got in the military. I done my best, but the men had no mercy with us new men and gave us the reports, for in sense of the word to square themselves with the colonel. The second time I went in the red suit was for putting on a pair of shoes that did not belong to me. The third time he reduced me in the red suit for my school. I tried hard to get along, but could not do the work in that class, and I granted an interview with him and told him I could not get along, but that if he did not reduce me to a lower class that I would have to go in the red suit. He said that he would see that it would not hurt me, and he would not reduce me, but when the first of September came he put me in the red suit, denying his own words. I am here thirty-three months and would like to go home. I tried to get along, but when I was trying my best he reduced me for school because I could not get along there, and they make me stay in that class when they know that I will stay in the red suit as long as they keep me in A class, the highest class in the school of letters. The only trouble I have here most is my tobacco. If the men had tobacco there would be better work

done in different industries. Tobacco was my favorite friend, and it is hard to part with it. I have had to work hard and never had no praise for it either. They have taken me from my work and make me lay in my room where I am getting weaker every day. I have been used to hard work ever since I have been here and it does not agree with me to lay off of my work. Will you kindly talk with the superintendent and have him put me to work at something, I care not what it is. I am much obliged for your kind offer you have granted the men, and I remain,

Yours truly.

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Hon. Mr. Craig:

Dear Sir.—I have a little thing to report to you, I was chalked in the cell for breaking open a tool chest belonging to Mr. James? in pattern making class. The colonel asked me what I had broke open the closet for. I told him I did not do it. He said there are two men that say you did. I said they lied. I asked him to call them up. He could not only show me one man that I broke open the closet. He would not let me say a word for myself. When the superintendent took me to the bath-room and said ..... breaking open a closet. I told him I did not, but there was a mistake, and I told him I would show him who broke it open. He asked me what the man's name was, and I told him I did not know his name, but I would show him to him. But he would not listen to me but made me take my pants down and take a spanking and fined me $3. I told him before he hit me that I was innocent, but he said put your hands up and take what I give you. Now I would like to have you hear my story and have you investigate it and let you know that I am innocent and there is men after men getting spanked when they are telling the truth. The man that said it was me that broke open the closet was down on me because I would not give him a favor. The favor was some crooked work which I did not want to do and that is why he got down on me.

(One inclosure.) (The above two letters are from the same inmate.)

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No. 415.

Elmira, Sept. 26, 1893.

Dear Sir.—It is with the profoundest regret that I condemn. I state truthfully facts of brutality for no just cause. I was strung up twice, received two black eyes the last time I was in

the bath-room my face was so badly disfigured that they put me in the reception cell for six days till I was fit to be seen. One eye was entirely closed, my lips puffed; I was kicked about by that monster, Sample, and Lieutenant-Colonel Halpin, on the 25th of October, 1892. This was for having a piece of newspaper. I can not adequately describe, for it defies description, the force of that murderous strap across the kidneys. I am a young man with a collegiate education. This unjust report system and a man has no redress. This is my second time in the second grade. The inmate that gave my report, caused my reduction, afterward said I am sorry that I did it; however, I could get no redress. It is all selfish ignorance. Col. Bryan never gives a man any chance, but invariably a first-class report to detain him longer; if he produces evidence it is disdained to the reporting officer's charge. No matter how energetically a man tries he is handicapped by reports which are given indiscriminately. These reports are of the first class I refer to. I have not had any communication with my parents for seven months, which is worse than any State prison, and do sincerely hope you will give me permission to do so. I have been here nearly two years and do not write with any flippancy but facts which I can prove and the hardships and privations. Just conceive cold water one whole year for a civilized person who has every intention to do right and lead an honest life. I do earnestly hope and pray that you will put me on my feet again. Only give me a chance. Kindly favor me with an interview as I can express myself and give full facts.

Very respectfully.

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No. 416.

Hon. Oscar Craig:

I am now going to tell you a story, a story that is true. I am here nineteen months and in the red fourteen out of it. I have been down in that bath-room about seventeen times. When he took me down some times he would rap me over the head with a strap. If I turned my head he would hit me a rap over the head. Many the time I come out of the bath-room with a big black eye. Once he was spanking me and I couldn't stand it any longer; I dropped my hands down from the window sill and they, him, Sample and Halpin, the fellows that used to be here, got hold of me and knocked me down and choked and kicked me all around that bath-room. They knocked one of my front

teeth out and bruised my head and eyes all up for me. He strung me up to the bars down there two times. He put me handcuffs on me and then got a rope and tied it on the handcuffs and hoist me up a foot from the floor and then knock the stuffing out of me. I was sore for five weeks and I had the marks on me for five weeks after. And Sample would catch hold of me and nearly choke me while he was spanking me. Please find out how long I got. I got sent from the State Industrial School in Rochester. He says I got to stay till I am 21 years old, that is four years and six months. There was two fellows down here from there, and they went out in two years. There are three fellows down here besides me, and they only got two years. I am up here for sassing the superintendent down there. They sent me up to the penitentiary in Rochester. I was up there a year and five days for running away from there, and they brought me back there. I was back there about two weeks and they sent me up here.

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No. 417.

Sept. 26, 1893.

Dear Sir.—I am here four years and eight months, and I have had a hard time of it. I was in the first grade twice. The first time I was in it I was in it thirteen months and never lost a mark in report and only failed in school, and I tried to get along, and the superintendent would not let me go home, when he has sent other men home who were in a lower class than I was and did not pass in school. The last time I went down from a blue suit was last year, and I went down wrong. They charge me with licentiousness with other men, and I denied it. But Mr. Hoppe and the others that had charge of the cases said that I was guilty, and I told him that I was not, so they put me in the solitary, and when they brought me out again they said if I did not say that I was guilty that the superintendent would take me to the bath-room and kill me. I have been taken to the bath-room for one yellow report and been spanked for it when others have lost three and four marks and have not been to the bath-room. I can say with truthfulness that I am not guilty of the charge they put to me last year, which caused me to be put in the red suit. I said that I was guilty to save myself from going out of here dead, for I know for a fact that the treatment we get here is hurtful. And I do not get enough to eat, and if you ask for more or refuse to work you go to the bath-room or get sent to State prison. I have only got four months and a half to do yet, but you said that I would get a fair show, so I am telling just what is true. I was

not the only person that went down wrong last January, and if you write home to your folks anything about the place they will not let the letter go. I was waiting for some of my friends to come up, so I could tell them about last January, but I see that I have friends here now. I hope you will investigate it, and oblige ..... Will you please give me an interview with you? I can talk and tell more than space allows, and oblige They do not even have proof that I was guilty, only a man said so and that made it so. I know I did not say I was guilty that I would get the bath-room, and possibly State prison, for the rest of my time, so I thought it better to say I was guilty and do my time here than elsewhere, and was here four years nearly then, and during those four years never had a charge like it before, and I hope never will again. I am more of a man than to do nothing like that. I wish you would call me to talk with you. Good-bye.

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No. 418.

26, 9, '93.

Mr. Craig:

Dear Sir.—I thank you for the kindness of coming here to look this up. I came here in the year of 1889, on the twenty-fist of February. I have been here four years and eight months. I have had a great deal of this cruel treatment. I do not know how many times I have ever been down in the bath-room, but I can remember licked six or seven times so bad that I could hardly stand up. I have got the marks on my back this day, and I am suffering with the pains from it, which you could only see my back then this would tell truth. He has licked me so that the blood run down my legs and when he see that I can not stand up he will take and hang me up and then he will lick me until I can't stand it any longer. He came very near killing me once, that is the time that he hung me up. When he left me down I could not stand upon my feet. But I am glad that I am alive to-day to tell truth about the superintendent. So I will bring this short letter to a close, hoping that you will find the truth on this case. I have told all I can remember about myself since I have been here.

Your friend.

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No. 419.

Sept. 27, 1893.

Hon. Oscar Craig:

Dear Sir.—I will let you know that I am not the worst of them all. I could be home months ago only by the treatment

I received from fellow inmates. Many times I denied a report. I go to see the general superintendent, Brockway, he told me he will see and after that time came I was call in. I couldn't speak so plainly and I couldn't show what I mean because I was couple months in this country. I couldn't speak a word English. The fellow inmates treat me in every way they think they could and report me for anything. I couldn't read, if I get a report I didn't know for what and so on. I can't say to you, sir, that I suffer many times not for anything else only by the treatment. Now I am without parent in this country. I hae anyone to care for me. Many times I had interview with general superintendent about the umbrella shop because the foreman and the monitor on the stand report me not true. If I ask general superintendent to put me some other place so I could get away from the fellow inmate general superintendent he think I was lazy to work. He didn't want me change me. I was working with all my right six days, sometimes over in one month. And now, dear sir, I have a favor to you, if you could get me out of the red suit. I am ashamed of that staying so long in the red suit. My eyes are opened and I will with all my might begin new life. I would never come here in this institution if I could get only work outside. Nobody didn't want me. I lose all my money and bring myself to temptation. You can see how many months I lose in reports and now I look out for myself and try do what is right and look for some better counsels from men who can help me. Dear Sir, once more I ask you if you could take me out you would find out that I would begin a new life and be a honest and on liberty. I will be a brave citizen, that all what I looking for. I will never break a law again. I would better died miserable. I would take anything what don't belong to me.

I am, your servant.

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No. 420.

Sept. 26, 1893.

Hon. Oscar Craig,

Dear Sir.—I will stand fire in any court of justice on the charges made against me in January last. I was not even confronted with the man that made the charges against me. At the last January parole court I was before the board of managers and I asked them for a trial. Then Superintendent Brockway said, "Didn't you have a trial?" I replied in the negative. Then he said, "Didn't the colonel

confront you with witnesses." I again replied in the negative, and he said "Well, we will give you a trial." The inclosed note is a copy of the typewriting I received two days later when I was told by Colonel Bryan what I was reduced for Casey was already in Auburn and Captain Kelly had his absolute release. Mr. Oscar Hoppe told me I could not receive a trial till my time expired. On April 13th I was flogged for one yellow report. (Copy of the "typewriter" referred to.) "In answer to your request for another trial would say that the witness Casey has been removed to Auburn. Casey's statements were very minute as to date and circumstance, both as to his own communications with you and the alleged communications held with the late parole Captain Kelly. Casey's statements have been found correct, in relation to every other man he has mentioned and the judgment of the court unanimously was that you were guilty. This, it seems to me, is sufficient and we shall hold you to the grade where you are as guilty.

"Gen. Supt. (K.)"

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No. 421.

Dear Sir.—I thank God that I have at last a chance to beg for mercy and justice. If you wish to know whether I ever was cruelly treated. As God is my judge I have been so badly whipped that now I can not use my bowels without pain. I have been here one year and in all that year I have been in the red suit. How many times in the cold winter mornings did I see the black and blue suit men get nice hot coffee while I and my other miserable friends had to drink cold water. Is that right treatment? Who does all the work but the red-suit men. In all the time I have been here I never was allowed to hear from my mother and God knows I love her. She came to see me once and after coming all the way from New York she was turned away. Is that humanity? How do I know but she is sick, perhaps dying, and I can not even see her. I beg of you to send me to any other prison so I might see and hear from the ones I love. I will work day and night if you will but grant that. Inmate officers have been all the cause of my trouble; they will down you so that they will get a release soon and they are given good supper and other things to encourage them; give the men citizens officers and we will get a fair chance. I only hope this may lead to a private interview with you, as I could say lots more.

Hoping for mercy and justice, I remain yours.

"Justice" .....

(One inclosure.)

Written on inclosure as follows: This means 9 or 10 black and blue marks for me. How can I rest with this in my mind? I have had five of these before and I suffered for it.

Justice. Mercy.

Envelope marked, Justice — Mercy.

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No. 422.

Sept. 26, 1893.

To Investigating Committee:

Gentlemen.— Although I am an ex-convict and in the blue suit I have had an experience which has made me altogether wiser. In the two and a half years that I have been confined within these walls I have looked upon Mr. Brockway as an honest, just and loving benefactor, no matter what he may have done to me it would have been for my own welfare. I have confidence in that whatever Mr. Brockway has done to inmates here it has been for their own welfare, although it is hard to make some believe it; it is nevertheless true. This, gentlemen, is my honest and candid opinion of Mr. Brockway.

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No. 423.

Sept. 27, 1893.

Dear Sir.— I am here near four years kept here by criminals. I can tell you something about the place. A man like Mr. Bush or any officer is no man to take anybody around the institution. I like myself to take you or any of the members of the committee around and show you the place and instruments used for punishment. I myself have suffered a punishment that not anybody can stand only for my good constitution. I have suffered ever from hands besides the superintendent. From Col. Bryan and Sample, at that time store-room keeper. To carry you to the sick bed of a man which was strung up by the hands and cruelly beaten. One man who was down in the bath-room with me died from the effects. Let Brockway explain why did he send fourteen men to State prison just before the investigation. Flem (?) is the man you want to investigate and this are the man he was actually afraid of. Get back 3625, Bloom, and you find more out than you will from all the numbers dating from 4000 and upwards. Concerning myself. The

charge made against me was disobeying a convict now in State prison in 1891. It was more a act of revenge. I was taken down to the bath-room, strung up against the wall naked, and as it was my first time did not know the position to stand. I was so afraid that I did not notice the superintendent talking to me. He kicked me in the shins with the heel of his shoe, I did not feel the blood coming down my legs. After that I received thirteen lashes with the paddle until I could not stand up no more. My back was a mass of flesh and blood, and my skin stuck to the sheet of my bed. It was all on account of a convict now in State prison. I also have witness a mean act practised upon a poor red-suit man now in State prison name of Holder, coming in from work to get the ration pan. There was only a few spoonfuls in it. The man was a hard working man. He went back to get another and Sample kicked him in the stomach and he fainted. Sample now is principal keeper. I am not afraid for I only have twelve months more, and what I am telling you in this letter is the truth. I can take a oath upon it. Plenty reason the superintendent is not afraid of me, he thinks I am a Dutch man, but I know enough to tell what I have seen and suffered myself. I am here a good while and I can bring you (?) boys which I have seen coming in here good and healthy, and now are looking sickly and disabled. I have seen a boy 15 years old, a fine and delicate looking fellow, receiving the lash two and three times a week, coming up in the shop and fainting afterwards. I have seen gangs of fifteen and twenty every day with deformed faces and black eyes, in 1889, 1890, 1891, before the election of Governor Flower. That was when David B. Hill was Governor and Fassett a senator. Brockway used to have supreme authority over his unfortunate victims. He let up a little after Governor Flower was elected, and let up altogether (?) after the charge made against him by a former inmate named Clair. I have read the columns in the New York Daily and there is only one lie which I discovered. My second charge was made against me in August 1st, 189 (?). I then was in the first grade. Talso was a officer and in charge of the baking department. As it was my duty to do I had to report the man under my charge for any violation of the rules. The men combining themselves against me made up a false charge against me. Without any investigation whatever I was put in the solitary after being beaten by the colonel himself for this reason. He was all dressed up in his sporting suit to go out on a Sunday, and he did not have any time to waste. His reply was if I can not get anything out of you I put you where I can. Just for the sake of not saying I done the thing of what I did not do I was put

in the solitary, and the next day, without any trial whatever, taken down to the bath-room. I was trying to explain it to the superintendent. The reply was, no explanation, and he punched me in the face. Get over there, was his reply, and I beat you like a dog. I had to stand the lash just for the sake of not saying I done it. After coming out losing my grade, parole and trust, I was nearly choked to death by Sample, now P. keeper, for only saying to a inmate the pants were too short. He held me in the corner for three minutes, until I fell on my knees with uplifted hands and asked to let up. I have a good deal more to write to next letter. I can take an oath upon this I have written to you. Please be so kind and have me to show somebody of the committee around the place, if you can. I also should like to appear before the committee for interview, and oblige.

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No. 424.

Dear Sir:

Mr. Craig.—I have nothing to say to Mr. Brockway.

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No. 425.

Sir.—I have, in my opinion, been brutally treated in the bath-room. About two years ago I got beaten for getting reports, which I can swear were unjust. I have been kicked about in the bath-room on the mere word of another prisoner, who said that I had tobacco, and that I gave another man a chew. Got beaten black and blue and kicked around the room because I did not say yes, that I did have it, and got a kick in my right eye that completely deprived me of my sight for more than a month, and am going blind in my right eye ever since. If I close my left eye I can not read print or any other writing with the right eye. And I also got beaten for reports when I did not deserve it, a great number of times. I got restored from the second to the lower first grade on December 25, 1892. Two weeks later I was charged with sodomy, taken from my room and in spite of my denials of innocence was put in the solitary, taken out of there and put in (?) treatment for seventeen days, then sent out to work, and every time I got a yellow report I got taken to the bath-room, and flogged twice unjustly. Once, the last time I was taken down, I was kicked before I reached the bath-room by an officer until I vomited all over cell floor, and my nose bleeding before ever I

reached the bath-room. When I got there I knew all that was going on, could not move or speak. The superintendent said I was faking, and threw me in the bath-tub full of water, and then burned my leg on the steam-pipe. In regard to the charge of sodomy, which I was innocent, but I said I was guilty to save myself from physical treatment, which I knew from experience that I would get if I did not admit my guilt. I said I was guilty, and charged others also, but it was all a lie, but said so at the time to save myself, and would have said anything else to save myself. And then to be taken to the bath-room for a single report, thirty cents, and get fifteen or sixteen blows, whether I was guilty of the offense or not, for it would do no good to send it back and deny it, for I would surely receive it back, "stands." It is all very well for Superintendent Brockway to say, "Send it back," but that would only postpone the beating for a day, and then get it worse and being beaten for having tobacco and getting my eye injured. It was a lie. I did not have tobacco, and did not admit it, even while getting spanked. But if I would get beaten like a Christian I would not mind it, but to go down and get kicked and thrown about by four or five big brutes is too much for me. But I can not help it.

Respectfully.

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No. 426.

26, 9, '93.

Mr. Craig:

Dear Sir.—I have nothing to say, as I find no cause of complaint, for I got a square deal here.

Yours respectfully.

P. S.—The truth, the whole truth, and nothing but the truth.

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No. 427.

Elmira, N. Y., Sept. 26, 1893.

Hon. Oscar Craig:

Sir.—I have been at the reformatory eleven months and in that time I have made a perfect record. When I came here I was put in one of the primary school classes (P. 2), and now I am in one of the intermediate classes (I. 3). I am a seaman by profession but had some knowledge of electricity before coming

here, and since my arrival I have learned a great deal more as I am employed in the electric department. I have no cause for complaint against Supt. Brockway.

Respectfully.

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No. 428.

Elmira, Sept. 26, 1893.

Gentlemen.— Considering the short stay within these walls I can say that I have been fairly dealt with which will be a source of profit to me on my release. The only objection that I have to make is that there are too many petty laws and inmate over inmate. Wishing success to Mr. Z. R. Brockway, Esq., I remain,

Yours truly.

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No. 429.

Elmira, 26, 9, '93.

Gentlemen.— Having been sentenced twice to the reformatory and been holding positions of trust I can truthfully say I have been treated as good as can be expected in prison. Wishing success to Mr. Brockway.

I remain, yours respectfully.

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No. 430.

Sept. 26, '93.

Hon. Oscar Craig, Chairman of the Investigation Committee:

Dear Sir.— In regard to my treatment while confined within this institution I desire to say that I have always been treated well during my stay here, simply because I done what was right and lived up with the rules of this institution; I have no further complaints to make.

I remain, sir, respectfully.

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No. 431.

Wednesday, Sept. 27, 1893.

Dear Sir.— The only fault I have to complain about is in regard to the meals. It is something terrible to see what we are forced to eat. We seldom do receive anything good and when it

is received it is in such small quantities it is often refused. I hope, Mr. Craig, you will be so kind as to look it up and oblige.

P. S. I am in favor of the abolition of the mode of paddling and spanking a man.

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No. 432.

Elmira, 26, 1893.

Mr. Craig:

Sir.—I can not say anything about the treatment. I am learning a good trade and I getting more schooling and it is learning me how to take care of myself and act like a man and earn my own living. I was in the red suit and better men than I was in it and I am trying to make a good record and get in the blue suit and go home. I think if one can do it another can. I didn't know how to read good seven months ago and I can't kick; it suits me. I rather live on bread and water than to be a convict.

Respectfully.

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No. 433.

Sept. 26, 1893.

Mr. Craig:

I have been in the reformatory for three years and a few months and have been nearly killed in the bath-room by the superintendent who accused me of asking a keeper for a chew of tobacco, and my skin could tell a little tale of this place, but if I live the remaining one year and two months I will not kick. If I knew the superintendent would not get this I would put my name and number but I know the results if he would find it out. He had me worried once before.

An inmate.

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No. 434.

Dear Sir.—All I want to know is whether those few questions is right or wrong: First, is it right that after a man works in the foundry or anything other shop hard all afternoon that when he comes in to supper he gets bread and molasses? Is that good strong food for him to work on? Second, then you may say, well, maybe he gets a good dinner. Yes; soup, 365 days in the year, he get so to like it. Third, and is it right that one prisoner should be boss over another? If an inmate's officer does not like you he

just likes to be reporting you and if you send it back you will get two instead of one. Fourth, and when you are working hard and are trying to do all you can they make you do more, and if you don't do more work then you go down in the red suit. If this is right then I want to be wrong.

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No. 435.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I can say nothing against Mr. Brockway. He has always treated me with kindness.

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No. 436.

I have no complaint to make.

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No. 437.

Sept. 26, 1893.

Dear Sir.—In regard to my experience I can only say that I entered the reformatory on October 13, 1892, and I remained in the lower first grade for nine months and then I was promoted to the upper first grade in August 3, 1893. I was then taken from my first position and placed in the foundry for some reason unknown to me. Otherwise I have not received any other punishment as I have never been in the red suit. I am now the wearer of the upper first grade.

Yours respectfully.

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No. 438.

Sept 26, 1893.

Dear Sir.—As to my experience I know nothing about the place. I have been here for eleven months and have had a good record except two or three months, I am in the upper first grade. Mr. Brockway has always treated me right. I have never had an interview or nothing with him yet, so I know not how to accept them. I hear a great deal but know not whether it is true or not for I never had any experience with him.

Yours respectfully.

No. 439.

Sept. 26, 1893.

Sir.—I have no complaint to make in regard to myself. I have been in the reformatory fourteen months, but never was in the second grade. I have always been used good while I have been here. When I come here I did not know very much about school, but since I have learned a good deal for the short time I am here. Hence I have nothing to complain about.

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No. 440.

Hon. O. Craig:

Friday fifteenth, instructor of music summoned me to wash his hankerchief for him. I refused. He left me but returned soon and told me to play a certain part over and over again until I was exhausted, and I told him to give me the chance of a breath, at the same time I asked the monitor to interfere but the said nothing, and the inmate instructor told me he would give me a chocolate report for refusing to play. That was certainly not my intention, and the monitor gave me a chocolate for talking to him, and all together I lost three marks through no fault of mine, and possibly in another month I will lose my grade. I have been here three years October, and here is how, possibly, I may lose my chance to gain my liberty for may be a year or two. Why? Through the revenge of one man, who himself has done his five years, and don't care whoever does his because he leaves December. Please look this difficulty up then by giving me a helping hand.

Yours respectfully.

Mr. Craig:

I wish you would look this case up for me or call on me for personal investigation if I have not expressed myself clearly.

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No. 441.

Wednesday, Sept. 27, '93.

Mr. Craig:

Dear Sir.—I have been in the reformatory eighteen months and have no complaint to make.

No. 442.

Mr. Craig:

Dear Sir.—I am here nearly twenty-one months and have no complaints to make.

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No. 443.

N. Y. S. R., 26, 9, '93.

Dear Sir.—I want to state that ever since I am in this institution I have received always fair treatment, and believe that my being here will benefit me.

Yours respectfully.

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No. 444.

N. Y. S. R., 26-9-'93.

Hon. Oscar Craig, Member of the Committee of Investigation:

Dear Sir.—Hereby I wish to state that since I was committed to the care of our superintendent I have been well and fairly treated.

Yours respectfully.

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No. 445.

Sept. 26, 1893.

Honorable Sir.—Being asked to give my opinion of my experience of two years and six months in the reformatory, I do so with pleasure. I can not deny that a great deal of treatment was justly deserved, but I do not believe there is any law on the statute books which allows punishment the way it is enacted at the reformatory. It has been my misfortune to go to the bath-room several times and after I came out of there with black eyes, which I got when I turned my head while being punished. I am in no position to argue, but there is something inhuman about Mr. Brockway. There have been sent away to Auburn State prison in the last two months men who bore scars and who could give necessary information. While bribery exists Brockway will escape scot free. Mr. Brockway puts too much trust in ex-convicts, such as Mr. Hoppe, head man; Mr. Wooley, chief clerk. They run the place as they please. Mr. Brockway and them two ex-convicts are the, practically speaking, the board of managers. I imagine if you care, red-suited men who work all day in the foundry come to their room, get a cupful of polluted water three times a day, bread that is as heavy as lead and

molasses that is fair. Imagine what effect that has on a man's system year after year. Give every man an equal chance. Put men over them, no convicts, such as Hoppe, Wooley and others.

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No. 446.

Sept. 26th, 1893.

Mr. Craig:

Dear Sir.—The statement below will allow you to see one of the evil effects of the reformatory discipline, that of one inmate using authority over another. For instance, for instance, if I had a grudge against another man all I would have to do is to go to a friend of mine that had the authority and say "Report that man whenever you have a chance," and there is not the least doubt but that the man would receive a "last call" for reduction in a short time for receiving too many reports. I have seen the thing done many a time and is still in progress. I myself have been in a position to report and could if I was so inclined report a man that I did not like so many times that it would not be long before he would either be reduced or taken to the bath-room. I write this to show you one of the ways that a man may be put to the ground and walked upon just for the sake of another's whim. Hoping that you will look at this in the true light, I remain,

Yours respectfully.

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No. 447.

26-9-'93.

Hon. Oscar Craig:

I was treated in a way I deserved as a reformatory inmate and nothing else.

This is all I can say.

Respectfully.

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No. 448.

Sept. 29, '93.

Gentlemen.—I am here seven months, and I am in the upper first grade, and have no cause to complain. I have been treated fairly.

Yours resp.

No. 449.

Sept. 26, '93.

Gentlemen.— I am here very near seven months. I am in the upper first grade, and have no cause to complain, as I have been treated fairly.

Yours resp.

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No. 450.

Mr. Craig:

Sir.— I would like to have my case taken up again, as there was no evidence against me whatever, excepting the man's word, who made the charge against me. The superintendent made him bring someone into it, by the use of the straps, in the bath-room. The only chance that was given me to prove my innocence was this, when I was called into the room where the court took place. The charge was read to me, and then I was asked what I had to say. I denied it, because I am entirely innocent of the charge. When I stated that I was innocent, I was told that I was a liar, and that I was convicted and put into the red suit and was spanked for getting one second-class report, and told by the superintendent that he would kill me if I got another one. I have been treated unjustly ever since I came into the institution. I was promoted to the upper first grade September, 1890, and I was kept in that grade until January, 1893, when I was reduced for a charge that I never committed. If I can be convicted of it I wish I would get twenty years for it. There is no evidence against me, other than that man's word, and I can not see why my word is not as good as his. No matter what charge is made against any inmate here, whether he is guilty or not, he is taken to the bath-room and spanked until he says yes, then he is put in a red suit and, in most cases, assigned to the foundry, whether he is able to do the work or not. I simply want justice in my case. Give me a trial before a court appointed for the purpose, of trying such cases, and where I will get a fair hearing. It was the licentious case of last January that I have been reduced for, and trust you will get me a fair hearing on the same.

Your obedient servant.

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No. 451.

All that I ask of you, gentlemen, is to have my case taken up. I was accused of committing sodomy last January, and I claim I am innocent of the charge that I was put down in the third grade

for, and was very roughly used. While in that grade I was paddled for one yellow report, and it was the only report I had in three months. I am willing to take twenty years if I am found guilty of that charge I was put down for last January. I was expecting to make a parole last January, but instead of that I was put in the third grade. My record shows that I was in the hospital at the time when this young man, Brinkman, says that I committed this act on him. He says six weeks before Thanksgiving the books show that I was in the hospital at the time, they found out so, but they put me down anyway. That was a year ago October. Please see that I get a fair trial on this case; I am willing to face it. I am innocent of the charge. I was paddled three times in five years. I am here going on six years. I could say more but my paper is run out. I ask once more, please and have my case taken up once more and see that I get a square deal. The way I was used since I am here, it is a wonder to me that I lived through it all. I could tell you personally better than I can express it in words. I have seen men come out of that bath-room all bruised up. It is enough to drive a man mad to think of it. I wish I had more paper, I want to let you know how long I have got a twenty years, and I am here going on six. That will be all, I can face every word that I wrote to you, and I could say more when the time comes to say it. I will give you a few words about the officers of the institution. They are very good to men, but Mr. Woolley, Hoppe, Col. Bryan. Mr. Sample is a man, every inch of him, as far as I can see. I know him for five years since I am here, but the supt. is a two-faced man. He will laugh to your face and then take you down and spank you like a dog. That is all now, I will stop. I will give my name and number, so please and do something for me on that case I am not guilty of.

Yours truly.

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No. 452.

27, Sept., 1893.

I would like to explain to you about my getting mistreated in the band.

Oblige.

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No. 453.

Sept. 26, 1893.

Gentlemen:

I was paroled as a night watchman in this institution Aug., 1892, was reduced to lower first grade for giving tobacco to an

inmate, and placed in foundry. Now, it ain't the punishment that I am complaining of, but the injustice. I can prove that Major Crumbie and Major Valentine and Leuthiser have been found doing the same thing, but were fined or sent home. Why is my case an exceptional one? I can give a worse case still. Capt. Cordes was found receiving $10.00 from an inmate for the purpose of buying tobacco. The supt. placed him in the upper first grade. Why place him there and fine others for the same offense? He reduced me on less evidence, and please have Mr. Brockway answer this and oblige,

Yours truly.

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No. 454.

26, 9, '93.

Hon. O. Craig:

I must begin with the heading, convicts over convicts. There are quite a number of men in this institution who have been retained here quite a while. It is not on account of bad conduct but on account of a lot of boys who are hardly able to take care of themselves. They are given charge of a number of men. If one of these men get a grudge against a man he will report him and put others onto him, who also report him. This they call getting square. If the man does not deserve the report and sends it to the colonel or Mr. Brockway and they deny it, the colonel will investigate it. If the officer says you are guilty and you say you are not, you will get called a liar and receive a first-class report for denial of true report. There are also some figure heads in this institution in the person of parole men and some few who have their absolute release, who have power to chalk men in for what they call crookedness. If they say you did it you get paddled, but they are ones who ought to be chalked in for they are more crooked than the other men. Take, for instance, the January case of licentiousness. Who were the ringleaders of the movement? Why, the officers. They are all of them a lot of hypocrites. The management pretend to think they are reformed but they know better than that after last January. I am here only fourteen months, but I have seen enough of the institution to know enough of its ways and workings. The whole system is a sham. They will talk nice to the visitors but when he takes a man to the bath-room he calls them God d——n convicts. Yet, he tells the men they are not convicts, but still citizens of the U. S. If this is so, he is deserving of a worse punishment than the man he is about punishing. There

are cases that I can name of the superintendent paddling men, for getting one yellow report. What is more, if it comes to the ——— (?) I can swear to it, there is a man who got paddled last winter in the month of March, who got paddled so bad that the doctor had to put him under treatment for months. Then they put him in the gymnasium to climb the ladder to get strong. He was taken sick from the effects of the punishment and is now in the hospital. If you doubt my statement please go up to the hospital and see for yourself. His number is 3485. There are many more who can show marks of the paddle on their backs. I do not agree with the superintendent who says it was a good idea to write it on paper, as there is many men in this institution who can not write, and others who can not compose a note so as you could understand it. I think an investigation by bringing the men one by one to hear their story would be better, even if it would be longer than by writing. The food is not substantial. What you get to eat is the cheapest, and then they buy an organ for $4,000, which we will not hear more than once a year. It is like buying an ice-box. For instance, a red-suit man gets bread and water. He never gets a cup of tea, and is not allowed to write or receive a letter, and can not get out of the red suit in any less time than three months. They might as well be dead. It is not for myself that I charge the management, as I am in the blue suit, but as a cry from the red-suit population. I have no time to write more at present.

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No. 455.

26, 9, '93.

Hon. O. Craig:

Kind Sir.—I am here two and a half years, and always lived up to the rules. When I entered here the superintendent told me, because I was married, that he would keep me here so much the longer. I told him my father's occupation. He said, "May be your father is a thief, the same as yourself." That is nice encouragement to give a man, and he seemed to keep his word. Thanks to God I have never received physical treatment in the bath-room from his hands as other poor unfortunates have. I have received a good deal of injustice on the part of reports, and went to the superintendent, but he paid no attention to me. I can take a solemn oath that three-fourths of the reports I received here I never deserved. If I had them investigated and the inmate stripes was asked, "Did you see him do it?" "Yes, sir." The answer I got, "That will do ....." The

next night I received my report and another with it for lying, while the officer was the liar and not I. I lost the blue suit one year ago this month. Am now again in the first grade, but I will be here three years before I can make a parole. The whole system is outrageous. The Lord Almighty could not get along here. I would sooner run the chances of doing three years and seven months in Sing Sing than take the chances of making a parole here. I am in the blue to-day. If an inmate gets caught with tobacco and he didn't like you, when taken to the bath-room, he says, "I got it from so and so." You are called in and asked where you got it. You say, "I never had any;" they don't believe you. You are taken to the solitary and kept there until you confess to the superintendent that you had the tobacco, and probably you never saw it. If you do not confess 99 of the 100 will get paddled until they do confess. He goes from the blue to the red for nothing at all. Col. Bryan, as a rule, investigated the cases for the superintendent, who, after his dinner, goes to the bath-room and flogs them. The young man who came here with me has been down there at least a dozen, and I kindly ask you to talk to him as he will tell his own story. His name is ..... ..... If you write home and it don't suit them, they detain it and you are not allowed to write what you want to write, but it must suit them and not you. People come here and look on the outside of the thing, but little do they know how we suffer. The superintendent is very fine spoken to visitors, who only see one side of the thing and that is all. His tone is different in the bath-room. The food is not as it is supposed to be. Think of it! A red-suit man working in the foundry, a task of 80 moulds, bread and water and hash for breakfast; soup, water and bread for dinner; water, bread, molasses for supper, in the cold, winter nights and days. The men who speak good of the place are those who have the soft thing of it. The superintendent drafted the latter part of last month's men, who had been detained here two, three and four years. The men had sad stories to tell so he thought he would get rid of them before you came, and so to deceive you. But, still some remain to tell the story. This is as much as I have have time to say at present.

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No. 456.

Sept. 26, 1893.

Dear Sir.—Space does not permit me to elaborate or be technically descriptive, so I will try to say what I know briefly,

truthfully, impartially and honesty. I believe I have been unjustly and cruelly treated by Mr. Brockway during my stay here. I came here three years and a half ago. Since then I have always tried to live up to the laws and regain my liberty. When I was here one year I had twelve months of perfect record, but I was refused a chance to retrieve the past. I was not given a parole, but I hoped on and held my good standing for ten months after, but still I was refused a trial of outside life. After twenty-two months of this life I was reduced to a lower grade on the 5th of March, 1892. Two days after, on the 7th, I came out to my work in the afternoon entirely unconscious of any impending trouble. At about three p. m. Colonel Bryan questioned me about a dishonest act that had been done in the shop. I was taken to the bath-room and there Mr. Brockway asked me two questions: "What do you know about this?" and "When did Burgess give you tobacco?" My reply to these questions caused me the most brutal flogging I believe a man could inflict on a human being. I was beaten on my hips, across my kidneys and over my head and face. After that I was sent to solitary confinement on bread and water, and was told I would be flogged again the following afternoon if I did not know more, but fortunately some further evidence indicated I was possible innocent, and Colonel Bryan came down to me and told me I was not flogged for the dishonesty but for lying to the superintendent. That I was kept till my bruised body was healed up, which was about a week. I do not wish to present arguments of my innocence, but this I want to say: I was judged, flogged and all bruised up all in the space of one hour, and that is a very short space of time to come to a conclusion on a matter that caused me so much torture to me.

Very respectfully.

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No. 457.

Hon. Oscar Craig, Chairman of the Investig. Committee:

If opportunity given to me, would like to appear before you personally.

Yours respectfully.

26, 9, '93.

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No. 458.

Elmira, N. Y., Sept. 27, 1893.

Dear Sir.— When I was in a red suit here lately I got a visit from New York and let him stay and see me about five minutes.

And I think they could give you better meals than they give you nowadays. And they way they spank you down in the bath-room is something dreadful, and I think he ought to let up on his whipping, and one boy ought to get what the other one gets. I heard it was a good story in the paper about how he hits a boy in this place. Hash and has day in and day out, except Monday morning beans. I guess they could give us something else for a change. The least little thing you do wrong he locks you up and then they take you down and whip you and you ought to see how.

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No. 459.

Sept. 26, 1893.

Hon. Oscar Craig:

My Dear Sir.— I have often longed for the pleasure of writing to somebody, to let them know the way the reformatory is run. I've been seventeen months in a red suit, because the inmate officers always troubled me. I seldom get a report of a citizen officer, and the colonel who makes inmate officers is the man to blame for the trouble in the reformatory. He takes pleasure in seeing a man punished, and if I was out I would take pleasure in letting the State of N. Y. know about him. The principal cause of the trouble at the reformatory is all to be blamed on the inmates, such as Clerk Woolley, who believes that men doing a hard day's work can live on stew and soup not fit for pigs. Every meal we got since 1892 was greasy, sloppy, stuff, and I've not ate two rations of stew, or soup, since I've been in the reformatory. I have been to the bath-room four times and flogged three times, but once seriously hurt. The reformatory will always been in trouble so long as Colonel Bryan and Woolley is in it, and I think all inmates should be stopped from reporting other inmates. They do it to save themselves.

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No. 460.

Sept. 26, 1893.

Dear Sir.— In request to your investigation, I let you know in a few words that Mr. Brockway has paddled me twice for the offenses checked below; first is for a three-mark chocolate for refusing to take a piece of board that I was carving at from beneath my bench, which the instructor told me to do. Second, for the same report for refusing to break up a wooden box in which I simply kept a towel and brush in, but I let you know that

Mr. Brockway hasn't hurted me a least bit, for by so doing he was showing me how to behave myself and obey the rules in the institution. That is all I have to complain about Mr. Brockway.

Yours truly.

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No. 461.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I thank God that I am in this reformatory. I have always been treated as a man by Mr. Brockway. I have learned a good trade (printing) and I am also getting a good education; and by the help of God I hope to return to my friends, and good father and mother, and become an honest American citizen. A man that can not keep the reformatory rules here will never obey the laws on the outside. This is my guide:

Courage, Will, do not stumble,
Though thy path be dark as night,
There's a star to guide the humble,
Trust to God and do the right.
Though the road be long and dreary,
And the goal be out of sight,
Foot it bravely, strong or weary,
Trust to God and do the right.

Yours truly.

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No. 462.

Sept. 27, 1893.

Hon. Oscar Craig:

As I have a few lines to write to you, I have been here one year. As I have a little education on my coming here, I was placed in the black suit. There I remained four months. I was placed in the red suit for the loss of marks in school. I remained there six months. Then I was restored to the black suit. There I am to-day, and will soon be in the red suit again. My trade is horseshoeing, which I very much wish to learn. I worked at my trade nearly four months, then placed in the foundry, wheeling iron. There I am to-day. I can not get along there, for there is more work than I can do. If I do as the reporting officer that is over me says, I can not get my work done, and then I get reported for that. That is the way I lose marks. If I remain in the foundry I

will soon be reduced and if so I will be in the red suit until my maximum sentence is expired, which is five years, as it is impossible for me to get along there. I have been doing my best ever since I am here, but it is of no use to try any more, unless my work is changed. If I had been working at my trade I would have been in the upper first grade now. This is the only thing that troubles me here. This is the only thing I can find fault with.

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No. 463.

Tuesday, Sept. 26, 1893.

The superintendent of this institution has not treated me right at all. He has taken me down to the bath-room and almost killed me, but since June of this year he has not touched me yet, and he gave me a notice on the 26th of June, 1893, as follows: "When you get enough reports after this date to lose a dollar I will take you down to the bath-room and spank you. Remember the experience of May, and avoid them." What he means by the experience of May is that he had me down in the bath-room and nearly killed me. That is what he means by the experience of May. He has hit me across the face with the strap that I could hardly eat anything for a week or so. He has also given me a good rough whip in the mouth and almost knocked my teeth down my throat. I will never forget the time he took me down in the bath-room in the month of May when he nearly killed me. I will close my letter wishing the person who reads this will see what it is to be in the New York State Reformatory Institution.

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No. 464.

Oscar Craig:

I like to know if he has got a right to chalk a man in forty days with one meal a day. I would like to know if I am a football. When I went down in the bath-room he sent me out with two black eyes and a bloody nose and sent me down in the solitary for three days and then put me to work after that.

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No. 465.

I have been down in the bath-room three times it is true, but I have been told that if I would lose another month I would

get spanked so I do not think it was more than right for the general superintendent to spank me after he had given me a notice.

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No. 466.

Sept. 27, 9, '93.

Hon. Oscar Craig:

Sir.—In answer to your request, if I had always got fair and just treatment I can proud to say that I have in my four years' experience here and if every man would come up and tell the truth and let the imaginary wrongs out of their heads, they would all have the same thing to say as myself. I do not know whether this is what you desire, but I was sick in room last night, so if I have overstepped the rules you will kindly pardon me. With kindest regards to Mr. Brockway, hoping he may be with us soon again, I remain,

Respectfully yours.

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No. 467.

Mr. Hon. Oscar Craig:

Sir.—I do not take pleasure in writing this note, but I can not help it. I have been treated worse than a dog which has no home. I have asked for to learn a trade at night, but they refuse me every time. And I have but only two and a half years but they did not treat me right. I have been licked with a big strap that was two feet and a half long, half a foot wide and big handle fastened on the end of it. I tried my best this month to make a nine but I only could make an eight. I am in the red suit six months, and never done any harm to anybody. The officers are all down on me. I wish I could be helped a little and I will try my best after this. Please and oblige me.

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No. 468.

Sept. 26, 1893.

Dear Sir.—I have nothing whatever to say against Mr. Brockway, the superintendent. Any punishment that I have received I deserved, and I don't know of anybody else that was unjustly punished since I have been here. If a man behaves himself he is all right, and, as Mr. Brockway said, when he addressed us, he will see that we get our rights. This is all I have to say.

Yours respectfully.

No. 469.

Gentlemen:

Dear Sir.— All I have to say is this, that I am in the blue suit now seventeen months and went before the board of managers and was turned up for September month, this year, but I am still here yet. That is all I have to say about my general superintendent.

Yours truly.

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No. 470.

Sept. 25, 1893.

Gentlemen:

Dear Sir.— I would like you know that I have read the papers about the cruelty of this place, and fully agree with Nure, Clair, Gilmore, Shirts about their treatment, as I was acquainted with them. I want to make my statement about the cruelty which I have received here. I came here in April, 1890, and was assigned to the band on my admission. I was in perfect health then. Now my health is ruined. I remained in the lower first grade but five months, and was reduced to the convict grade. I was in the convict grade but two months when I received a typewriter. If you love one mark I will spank you. Of course, in the band a man can't help losing a mark, as he is reported for the least little thing, and I lost my mark, and one dinner time an officer came and ex me in or chalked me in, and I was taken down to the bath-room and was flogged. That was my first experience of the cruelty which was inflicted upon the inmates here, and after coming out of the bath-room I had to play my instrument, and in so doing I thought that my kidneys were ruined, and my wind also. I reached the lower first grade, but was reduced again. The second time to the convict grade, and one of the months that I was in the grade I received an unmerciful flogging, which I can prove by the two marks which I have on my body for life, and after the flogging I always complained about my kidneys and wind. I was run down so that the doctor put me in the gym. here. I am in it fifteen months now, and still my wind affects me so that I am gone. I received this typewriter a few months after the flogging I received, and saved it so that when released I can bring a charge against him.

(One inclosure.)

No. 471.

Sept. 26, 1893.

To the Hon. Oscar Craig:

Sir.—I have been an inmate in this reformatory for two years and nine months, but I have been kept here for small offenses, such as looking as visitors or leaving my bench without permission, but I have never been in any crooked deal since I have been here. I do not say anything against the place or the rules, but I think it is wrong to keep a man back just for a small offense as this. I have been paddled, but it was for getting reports after I was told not to. I remain,

Yours to command.

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No. 472.

Sept. 26, 1893.

Dear Sir.—I have not been here long, but since I have been here I have been treated justly, with the exception of getting a few reports that I knew were wrong, but did not send them back for fear of getting one for sending it back, and also the inmate officers are sometimes to blame for keeping others from earning their parole by giving them reports for something that happens in the shop, in order to get even. I don't think that is right, but can't be avoided very well unless there should be no inmate officers. Of course I hear of others being punished, but I do not know how true it is. They may deserve it, and may not, but as far as Mr. Brockway, I think he does that which is right in all things. He knows is right. Some people do not know when they get a favor and some don't care, and those are the ones that get punished, I think. As for myself, I have been in the black suit nine months and am not liable to get changed for some time yet. The class which I am in is too hard for me. Therefore I can't make my nines. That is all.

Yours truly.

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No. 473:

Can't tell anything because I am not very long inmate.

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No. 474.

N. Y. S. R., 9, 26, '93.

Hon. Oscar Craig:

Sir.—I have no fault to find with the management of this institution, and presume it will not be necessary to speak in its behalf.

No. 475.

Sept. 26, 1893.

To the Investigating Committee of Charity:

Honorable Gentlemen.—I feel thankful to God that I am convinced of the sincereness that you manifested upon the assembly at large, but especially upon myself. I have been cruelly and deeply wronged, by being unjustly, mercilessly beaten (shortly after coming from hospital) and being forced by Mr. Brockway to admit to an untrue charge of which I had been accused by another inmate. This statement to be true. I appeal to God Almighty. He knows best. I am confined in this institution since June, 1891. I have made 22 perfect months. I am feeling broken down in health and spirits; and, as I am expecting to be paroled soon, I would not under any circumstances have made such an accusation if not for your solemn pledge, but I am not afraid should be investigated, as the ledgers in this institution ought to contain all my offenses committed while here.

Your obedient servant.

P. S.—Excuse for taking the liberty in saying that it is my first, and I hope to God the last, complaint that I have ever made while here. I have nobody but the Almighty to defend me.

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No. 476.

Sept. 26, 1893.

Hon. Oscar Craig:

Sir.—I would like to state, as long as I have been in the reformatory, I have been treated very well by Superintendent Brockway, and every man in here could say the same thing if they only kept up to the rules, but I would say that we often get reported when it is unnecessary, and if we send them back we are liable to get the red suit or fined, which is improper. If you are looking for information regarding the bath-room, the men that were drafted from here last January will let you know all about it. As it was stated, they were punished very badly.

Yours respectfully.

P. S.—We ought to get better food than we do. What we get now is not fit for a dog to eat.

No. 477.

Sept. 27, 1893.

Mr. Craig:

Sir.— I have been in this institution three years and five months, and I have no complaints to make whatsoever, my time expiring April, 1895; all I hope is to live it out. No doubt I have suffered enough, but I bore it, and it is all over; leave it pass. I remain, yours.

An inmate.

P. S.— Now, all our hope is to get out of here alive.

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No. 478.

Dear Sir.— This superintendent is nothing but a brute. I have seen men with big, black eyes from the brute. I have seen men get carried out in blankets, half dead, out of the cell. Asked them who did he. He would say, "The superintendent did it," and the eating you get is not fit for a dog to eat. Corned beef, water, they make soup of it. He is nothing but a murderer. He ought to be put in prison, and not where he is. Nearly every week he flogs prisoners, and you call on some of the red-suit men and they will tell you about him. Every week here people taking out dead from here on account of flogging. Look at all the people going to the crazy house.

Yours truly.

I believe every word is in the newspaper is true.

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No. 479.

Sept. 26, 1893.

Dear Sir.— I feel that I am to answer to the request given in the lecture hall this evening. I arrived here in November last, about the fifteenth. I seemed to get along all right for the first seven months, when I was put in the "red." I thought that of course Mr. Brockway would have surely notified my poor sister and mother of my condition, but on receiving a letter when coming out of that grade, I see that he did not. I don't think that was right of him. One thing more I told him when I was here, but three days, that I was very short-sighted, and that I needed glasses. I notified him several times

since till I am tired of it. I suppose I will have to send home for a pair. I am here now eleven months and I am still without them. It makes things hard for me without them. I remain,

Yours truly.

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No. 480.

Sept. 27, 1893.

Dear Sir.—I think I am speaking justly, when I say that since I came to the reformatory I have been treated like a man by the general superintendent and by all concerned therein. I am only here one year and ought to have gone home in October had I not made a few bad records for the first three or four months I was here. I have found out that if a man is willing to do what is right and endeavor to behave himself he can at any time receive assistance from the superintendent. This I have found out by experience. I remain.

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No. 481.

Sept. 26, 1893.

Mr. Oscar Craig, Chairman:

Gentlemen.—I am now at the reformatory four months and have never been in red suit. Therefore, I can tell you nothing about bath-room or paddling. The fault I have to find is with the inmate officers, who seem to delight in giving men reports. They seem to take a liking to some of the inmates and hate the rest, and we are afraid when we do get a report to have it investigated for fear of a chocolate report, which is a dollar. The officers, when called up to investigation, swear black is white and our word don't count. I fear you will not get all the information you are looking for, as the inmates are afraid to talk. I shiver myself when I tell you this, as I don't know whether you are a friend or enemy.

Yours respectfully.

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No. 482.

Elmira, N. Y., 26, 9, 1893.

Dear Sir.—On the 8th of April I was accused of attempting to strike a reporting officer and was reduced to the red grade

and taken down to the bath-room and strapped. I was sent up before the colonel but he did not give me a chance to speak for myself. This inmate officer and I were not on very good terms. We had a few words between us that led to a grudge on his part. I did not see the general superintendent till I went down to the bath-room. Then he read the charge off. I went to speak for myself and he caught me by the throat and then strapped me and he got me down there again the next week again for one yellow report. I am ready to receive punishment when I merit it, but I was unjustly punished. If the genl. supt. sees this he will get me down in the bath-room and either kill or cripple me. Inmates say the genl. supt. has the committee all fixed up, but I will trust you.

Yours respectfully.

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No. 483.

Sept. 26, 1893.

Dear Sir.— I have only been here four months. While I have been here I have been treated right. The only thing that is not right is the food that we eat.

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No. 484.

Hon. Oscar Craig:

Sir.— I would esteem it a great favor if you would grant me an interview, as I can not state my case as well on paper as I can state it orally.

Sept. 26, 1893.

Respectfully.

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No. 485.

26, 9, '93.

To the Chairman of the State's Official Investigating Com.:

Hon. Sir.— I have been sentenced to this institution by Judge Evans of Oneida county, with full hopes and almost sure of being paroled at the expiration of a year, and although my maximum sentence is five years, I could have gotten off with one year in States prison. But to save the disgrace for my family I chose and

pleaded for this place. The superintendent personally has treated me with care, and in fact overlooked a great many reports, and placed me with but two perfect months in March in the upper first grade. It, however, did not last for only three months, having been reduced in June, and for nothing more than reports from inmate sergeants, who held petit spites against me, and were determined to down me. I made that statement to the superintendent and begged to be changed to another work, where I could avoid those superiors, but that request was in vain. The colonel of our regiment, as well as the management, places too much authority in the inmate officers, who misuse their confidence, which is placed in them, and have their friends to protect and select foes for their victims. I can prove the man who was the cause of me being retained here so long, boasted that I will have to do my full time if he is here. Fortunately for me he has been paroled. I am here nearly twenty months, and only in the black suit. I have a family, a wife and two children, in a distressing, sick and pitiful condition. I tried hard to obey all rules. I pass always in school, and my labor record is more than perfect, but inmate enemies held me back. I should have been home long before this.

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No. 486.

Elmira, 27, Sept., 1893.

Mr. Craig:

Dear Sir.—I have no complaint to make against the superintendent, although I have been here four years and four months I have never been spanked in the bath-room. I have always tried to obey the rules. My long stay here I may attribute to two things, one is my own faulty record, the second is the fault of the inmate officers, who will give no man an opportunity to rectify himself. It is mostly this that has kept me here this terrible long time. I will close, and remain.

Yours truly.

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No. 487.

Elmira, N. Y., Sept., 1893.

Hon. Oscar Craig:

Dear Sir.—I have been in here three months. I can not say that I have been ill-treated or abused in any way.

Yours truly.

No. 488.

9, 26, '93.

Mr. Oscar Craig:

Hon. Sir.— (Blank.)

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No. 489.

Sept. 26, 1893.

Dear Sir.— I take great pleasure of writing these few lines to you, letting you know that I have always been treated while here as good as anyone could wish, and always been treated like a gentleman by both officers and the genl. supt. I would not be where I am now only for the good advice received from the genl. supt., and I give him the greatest thanks for it.

Respectfully yours.

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No. 490.

Sept. 26, 1893.

Dear Friend.— You would do all the inmates of this prison a great favor and save many a poor man from going to some other prison by seeing that one inmates word is as good as another, for those that have a stripe on their arm they think they can do all they want to a private, because they have Colonel Bryan to take their word. Last May the foreman in the pipe-shop, an inmate, as myself, in the red suit, told the colonel that I would not use any sand paper, and the colonel chalked me in and he would not give me any chance to explain it to him, for I could prove that I couldn't use it, and I was taken to the bath-room and the supt. say, refuse to use sand paper, hey? Take down your pants and I will make you, and he gave me a paddling, and I said, "Give me a show to explain it, please." And he said, "Get out," and gave me a red suit, so you can see what one inmate's word can do to harm a fellow convict. Justice.

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No. 491.

Sept. 25, 1893.

Sir.— I can not cry of any bad treatment since I have been here. I have the advantage of learning a good trade. That is all I have to say.

Yours respectfully.

No. 492.

Dear Sir.— I do not think a man gets a fair show here at all. What with these petty military officers they make out reports just to show their authority over you. If a man gets a report he does not deserve and sends it back the colonel investigates it in this way: (Col. with reports.) Asks the man if it is true. the man says, no, sir; it is not. He next asks the reporting officer if he saw him doing so and so. Officer says yes. The man not only gets the report back, but receives a first-class report with it for denying true report. That is not an investigation; is it, sir? Last November the black suit after a stay in the red of six months I was in the grade 26 days, and only had a few reports when I received a notice of reduction. The usual time given there was three months. I was in the black a little over a month, and just lost a mark on a report investigation and was reduced. I might have been home now if superintendent had given me the same show as others. I have never been in any crooked work, and I don't see why he would not give me a show. I hope you will find I am telling the truth, as I remain.

Yours respectfully.

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No. 493.

I have nothing to say.

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No. 494.

Sept. 26, 1893.

Gentlemen:

Sir.— As for myself I have nothing to say, because I have been out on parole once and returned for violation of which I am guilty, and placed in the second grade, and have worked myself up again and now getting along pretty good.

Yours respectfully.

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No. 495.

Sept. 26, 1893.

Gentlemen:

Sir.— All that I can say that on September 3, 1892, I was charged with disposing of goods for tobacco, of which I was innocent. All the evidence that they could bring against me was the

word of a fellow inmate, who was only too anxious to get me into trouble, of which he and his friends did. My record will show that I was on the verge of going into a blue suit or into the red, because I had a last call. I have been to the bath-room and been paddled. If there had been a little more interest taken in my case they would have seen that I was innocent. They found out after that the said man abused his authority and lied to keep people here, because he thought that by lying and reporting men when they did not deserve him he would be promoted in the superintendent's confidence, of which he did for a while, until they found him in several lies, and then they got sick of him. They drafted him to Auburn prison. If this man had not done this injustice to me I would have been home now. I remain,

Yours respectfully.

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No. 496.

Law is coercive. Inmates of the reformatory feel coercion in such degree as they need it. I have no reason to complain of my treatment. I have obeyed the rules and consequently have "got along."

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No. 497.

Dear Sir.— I can truthfully say that I can not complain as I have obeyed the rules and I have profited thereby.

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No. 498.

Sept. 26, 1893.

Dear Sir.—Have only been here seven and one-half months and have made the blue suit, so I have nothing to complain of.

Yours respectfully.

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No. 499.

Hon. O. Craig:

Sir.— As I have been here a long time I have my ups and downs and have a hard time to get to where I am, in the first grade. I have had two or three severe floggings while I have

been here; after the floggings I was sore across the small of my back that I could not rest nights, but that is over now. I have had to work hard and have had a hard time in school, having more studies that I could get along with. The work I have had to do has been for my good, for I did not know any trade when I came here, whereas now I can earn good journeyman's wages at iron molding. I have not written this note for or against the reformatory, for what punishment I have had has passed, but it did not do me any good. I am now in the first grade and expect to go home when the board meets next, and hope that this will not have any effect upon me, to keep me from going home as soon as possible.

Repectfully yours.

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No. 500.

Sept. 26, 1893.

Dear Sir.—I have been in this institution four years and two months. I came in this institution with a trade. I got treated very hard in this place. I got brought down to the bath-room one time for nothing, and laid up three weeks in my room, for I could not see after the treatment I got in the bath-room. I got to wear a truss on my body to hold up my stomach way the treatment I got in the institution. I have hold the black and blue suit thirty-one months. I never done any crooked thing in the institution. I always done what I was told by the foreman in the shop, and been reported for it. I send them up to the superintendent to be investigated. I had the foreman of the shop for proof that I was innocent of the report, and he would not cancel them. The foreman went away last month account of the treatment we were getting what we did not deserve. I can get Mr. Carter any time to prove the treatment I got.

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No. 501.

Sept. 26, 1893.

To Hon. Oscar Craig:

Dear Sir.—I have only been in serious trouble once, and that was in the clothing shop. I was instructor and a man called me a S..... of a B..... and I struck him. I know I done wrong in taking the law in my own hands, but I could not restrain myself. The superintendent took me to the bath-room

and gave me a severe spanking, and fined me $3.00, and put me in the foundry, and I think it is rather hard for a thing like that, when it is the first time it happened. I am not complaining about the foundry, for I am getting along nicely better than in the tailor shop, but I don't think that I deserved all that punishment.

Respectfully.

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No. 502.

Hon. Mr. Craig, Supt.:

I don't think it is right to keep me down in this grade as I do not deserve it. I do my work and attend to my duties regularly. Now, for this month of September up to the date of the 26th, I have but five reports; that is, four pinks and one yellow report; and these reports I do not deserve. Three of these reports are for sleeping in my room, tired out from the day, and two for laughing; I get no reports for labor or for any kind of crookedness, disorderly conduct or talking or using bad slang. I mind my own business, and do as I am told with a will. There is one thing I am glad to say, and that is, I have never been in the bath-room yet, and I hope I never will. The bath-room, I am told, is where Mr. Brockway punishes.

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No. 503.

Elmira, New York, Sept. 27, 1893.

The College on the Hill:

Sir.—I haven't anything to write. But in the first place I haven't much paper to write my full story about this place. I am here two years and three months, and I think that I can do the rest of my time. You people mustn't think that because I am Italian you took me for a damn fool, but you are mistaken. You needn't think that I am a hayseed; I wasn't born in a hay barn.

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No. 504.

Sept. 26, 1893.

Mr. Oscar Craig:

Dear Sir.—I have not received any of the ill-treatment from the bath-room, but I have received two notices for the bath-room. I can show them if you wish to see them.

No. 505.

Elmira, N. Y., Tuesday, Sept. 26, 1893.

I have no fault to find with the punishing, but the food is not the food for a man who works in the foundry on a hard task. A man who all day he gets for his supper bread and water, for his supper, and he keeps a man down for labor reports, when he can not possibly get ten.

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No. 506.

Mr. Craig:

I have nothing whatever against Mr. Brockway to any great extent. I do not think it fair for him to put a man down for what he put me down for, and that is this: A boy passed me a note and it was about running away. I took the note, instead of knowing what was in the note. It dropped out of my pocket, and an inmate captain saw me drop it, and he picked it up and gave it to the colonel, and the colonel asked me who gave it to me, and I told him the truth right away. Then he put me in the guard-house, and he kept me there two nights and a half, and then the supt. put me in the red suit. I don't think it fair, and I was only up here two weeks and I did not know no more what was in that note than you do, even to this day, only the supt. said it was crooked, and there is something else that I wish you would look into, and that is this: When a new man comes he is put in a squad and an inmate officer is learning you the different movements. If you are not as quick to learn then you get a punch in the face, or a crack with a gun, or kick in the shins. I do not call that right of an inmate. It is too much. If you tell the colonel he will not give you the least bit of thanks. I don't think any one of you would like it if you had a son up here to be kicked and punched all over, and if you went to hit him back you would get paddled and a first-class report for trying to defend yourself. I can prove every word I wrote in this note. One of the inmate officers is here yet and I will prove it up to his face. You will oblige me very much by looking these two offenses, if you please, from an inmate ten years, 18 years old.

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No. 507.

Hon. Mr. Craig:

Dear Sir.— You have asked me as a man if I have been treated right, and as a man I say NO, as I will explain. I was sentenced

to the reformatory in October, 1888. I was released on November 5th, 1889, after being out two months was thrown out of work. I was unable to report to the Prison Association to that effect, so I broke my parole; if I did not I would have to come back here and stay till I was able to get work again. Now, I could not do that, for I have a mother who is all alone in the world, with a sickness that she has every three months to go into the hospital, and no one to look after her. She is 60 years of age now, and I done what was right by her, and instead of coming back here and running chances of getting out soon again, I got mixed up with a young lad who stole some clothing from a friend of his, and was arrested with him. Recorder Smyth, when he heard I was out only three months, told me he would send me to States prison, knowing I was here, for the officers who sent me here were there to say so in court; I got the full extent of the law, four years and eleven months. Throwing myself on the mercy of the court, at the same time being innocent of the crime charged with, but would not say so, for I knew it would make no difference. I would not be set free, but be brought back here. Now, when I had served out my time in Sing Sing prison I was brought here direct again. Now, if I am not able to earn a parole again, I will have to stay here eight years and eleven months. Now, all I ask for is a chance to give me my liberty again, to take care of my poor mother and lead an honest life. I have no other complaint to make. I beg of you, sir, to listen to my prayer to you and God.

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No. 508.

Elmira, N. Y., Sept. 26, 1893.

To Hon. Oscar Craig, Prison Inspector:

Sir.—I am in this institution two (2) years and three months. was here four months when I was put in a red suit. I deserved it on as my conduct was bad. Remained in this grade or suit from the 1st of Nov., 1891, until the 25th of Dec., 1891. Treatment impartial. Reduced to the red suit again on the 21st of April, 1892. The day I was reduced I was paddled in the bath-room and used like a dog while in there. Got kicked in the shins and received from five to seven blows of the strap or rubber hose, as I am not positive which one of the two it was I was paddled with. I received a blow across my kidneys which took me off my feet. While lying down I received a kick in the shins, to be up in time for the next blow. Stayed in red suit this time until July 4th, 1893. Reduced again on Aug. 27th, 1893. This

time I was put in the solitary prison and hand-cuffed to the floor for 76 hours on bread and water once in 24 hours, remained in one position all the time while there, 76 hours. Labor changed and put in the foundry for eight months.

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No. 509.

Sept. 27, 1893.

Sir.— I was chalked in once for saying to the bread man, "Jesus Christ, I will not eat that bread;" after begging him to take it away, for it was not fit to eat. It was a dirty old crust. How I came to get the crust, and I was continually getting fed on crusts because I had a kick with the bread man. I was chalked in for about six hours, and when dinner time came they sent me in ration without spoon or anything else to eat it with. At about two o'clock I was taken to the bath-room. He did not whip me, but the thought of going through such an ordeal almost set me crazy, before I went down there. The supt. can talk about such a good prison, but if he would draft me to any other prison in the United States I would be satisfied, as I can not get along here. Why not have me drafted so as I would get my short time in any other prison, Sing Sing preferred. Will you answer this? My mother was up here and asked him to draft me, but he supt. would not give her no definite answer. Will you please let me know, as I am afraid of going to the bath-room? I could have been sent to Sing Sing prison for two and a half years, but like a fool I came to this place. Will you please answer and let me know if you could have me drafted to any prison, or to Sing Sing preferred, as you have no idea the way I get treated from inmates. For God's sake, answer this. I am here 16 months and have no idea of going home.

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No. 510.

Let me see you only. My work very hard. I can pass in school. I can write more. I have been fifteen months here. Can language, can number. * * moulder * * * of day.

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No. 511.

Sept. 27, 1893.

Mr. Craig:

Honored Sir.— As you appealed to us to write to you whether we received just treatment, I would like to state a sad grievance

which befell me on June the first. I was a second lieutenant in the regiment, and in the upper first grade, and worked in the brass-finishing shop. On May 26th two men attempted to commit peusodomy in the shop, and eventually were discovered and punished. I, at that time, was working on a particular piece of work, and as I am the only one experienced in that line I did it personally. Now, the work is so dangerous that if you gape about or fool while doing it you are liable to lose a hand or arm, as the case may be, as one man lost his finger through inattention. These men taking advantage of my being thus occupied, committed (or attempted to) a beastliness I would be ashamed to say I was an accomplice to, no matter what else my character may be. They were chalked in and received their punishment, and were again sent to their work, one on May 31st. On June 1st I was called on the floor and Col. Bryan asked me about the case, and as I was to explain myself and told him I could not attend to two things at the same time, he said, "Oh, we do not want to hear about that," and said he would see what the superintendent would do for me. He spoke to Mr. Brockway, I presume, and came to me later and said that the supt. had ordered a first-class report for me for gives neglect of duty and reduction to the lower first grade. I think I was treated unjustly, and I believe any man that has a heart will believe the same as I can prove what I say not only by the men who tried to commit the deed but by those working in the shop at the time. You will necessarily say, "Why did I not see the superintendent or ask for a court-martial?" If I had told the supt. it would not have bettered me any, as he would quicker believe Col. Bryan's dogma than a convict's statement, and if I had called for a court-martial I would have gained to benefit as Col. Bryan conducts these court-martials, and what show would I have to vindicate myself, and if I would have lost I would have been reduced to the second grade. Now, if Colonel Bryan made a mistake, that mistake costs me a year or more confinement, and if those mistakes happen frequently I would have to serve my ten years. Now, if there has been a mistake, I appeal to you as men and try to obliterate some of them that has been made, and remain,

Yours very respectfully.

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No. 512.

Thurs., Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I being an inmate of this institution for the last seven months, I have been treated as justly as anyone could be. I

made up my mind when I came here to live up to the rules, and did so, by making the first grade in six months. I have found no trouble and I don't think anyone else would if they would only make up their minds to live up to the rules like I have. The only thing is to mind your own business. I have found Mr. Brockway, our superintendent, to be just and helping, if he only sees that you are half trying to get along, and I have heard men who have been here for the last year back talk how the old man, as they call him, was very good in helping anyone if he knows he is trying to get along, men who have been in the bath-room and tasted what is there. If all the men here would only half try they would soon go home.

Yours truly.

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No. 513.

Elmira Reformatory, Sept. 26, 1893.

To the Hon. Oscar Craig:

Dear Sir.— Not looking for benefit, but to do justice to one who is working for the welfare of those who have had the misfortune to be sent here, I will say I have no cause whatever for complaint, but have been treated better than I expected to be.

Respectfully.

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No. 514.

Elmira, N. Y., Sept. 26, 1893.

Mr. Oscar Craig:

Sir.— As I understand, every inmate is supposed to express himself upon the cruel treatment he has received while in this institution. All I have to say is this: I have been in the bath-room twice. The first time I received four cracks, and the second time I went without any, and I am not sorry the superintendent took the liberty of inflicting the small degree of punishment he did, nor do I think anyone has been treated otherwise than he deserved to be treated. If it was not for the punishment I did receive I believe I would be in the red suit to-day.

Very respectfully.

No. 515.

N. Y. S. R., 26, 9, 1893.

Hon. Oscar Craig:

Sir.—I will confine my remarks to institutional matters, and as briefly as possible. First, the educational advantage are exceptionally good. Second, the military would be, but that power of the issue of reports by inmates is grossly abused. Third, as regards the administration of justice by the supt., it is not possible for me to comment or submit my wrongs (for such I have in four years and nine months of experience here) in the time and on the paper allowed for such. Therefore, I desire to avail myself of your privilege (through Pros. Monks), of a verbal interview at the convenience of the committee. As regards the punishment of offenses, it is impossible for me to give any intelligent or satisfactory information herein, but if desired will willingly give any true information that I may happen to possess and it will be necessary for me to touch on this in the presentation of my own case, which I hope to be allowed to submit in person.

Respectfully.

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No. 516.

To the Hon. Oscar Craig, Chairman Investigating Committee:

Dear Sir.—I have been in this institution since the 15th of March of the present year, and so far I have no complaints to make, but that is because I have not broken the laws of the institution. I have a perfect record to date, but had I gone wrong here I should no doubt have been treated and received the same punishment, which is due to those who do not comply with the laws, as they are laid down to us, so for myself I have no grievance. I can say that I have been treated fairly, and with consideration, and there is no doubt in my mind that any young man here who tries to do right will succeed here, the same as he would in the world if he did what was right there.

Yours most respectfully.

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No. 517.

Sept. 26th, 1893.

Dear Sir.—I have not anything to say. I have been treated well ever since I have been here.

Yours.

No. 518.

Sept. 26th, 1893.

Mr. Craig:

Dear Sir.—As you request from each one here to inform you, sir, how he was treated here, I really can not deny your request, but I must comply to your request.

I came on the 1st of Oct., 1891, to this ref., for breaking the law, and not realizing the first four months I was here where I was, and being rather fresh from N. Y. City life, soon found myself in the lowest grade, but after being in this grade five months I woke up as if from sleep and soon got out of it. Well, then I tried to make a parole but it was of no use. Those who were over me in the band while I did not behave myself had an ill feeling against me from that time, and gave me no show at all, but tried to get me down again, but the supt. gave me a show and that gave me four months time more to get a 9 or make a perfect record for a month. I tried again with all my energy to get along and make a perfect record, but of no avail. They soon had me reduced to the same grade. Well, you know, sir, that in this grade we receive no tea or coffee in the morning or noon, or supper, but cold water, and this was that which I could not stand on a cold, winter morning, and then to go out in the band-room and play five hours on a wind instrument, and that was the E flat cornet, so I went to the doctor and told him that I could not stand blowing a wind instrument as hard as the E flat corner on bread and water. Well, he replied, saying, I have to stand it. I told him it was impossible, as I was falling away terribly and fading away like a plucked flower. He then replied saying, "We'll see if you can stand it or not," and then had me locked up. This was in the morning, and after dinner I was taken down to the bath-room and flogged so that I could not stand. My back was just like a skinned rabbit, black and blue. In fact, it is now over five months ago since it happened, yet you can see the green marks on my back to-day, and I sometimes feel great pains in the kidneys. Now, I ask you sir, if that was just, to use me in that manner. Please don't misunderstand my note, as I am not complaining, but am simply giving you the information which you asked of me. Nothing but the truth.

Respectfully yours.

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No. 519.

Hon. Oscar Craig:

I being a new man, so far I was treated all right, as long as I am here, two months.

No. 520.

September 26th, 1893.

Me explanation about that institution is very short and I am satisfied altogether. Only one thing I suggest, seems wrong to me. I got put in the red suit just for having a picture on my slate when I went to school. A picture representing a man. I went two weeks up higher when I changed the grade. I never was arrested before, so I didn't have no idea about an institution or prison.

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No. 521.

Reformatory, Tuesday evening.

Hon. Oscar Craig:

Sir.—I consider this institution the best penal prison in the world. The superintendent has used me like a gentleman, treated me as a man, and has always given me good advice. I would have been released months ago, only I made a consummate ass of myself. I believe the discipline is not only good, but is for the good of all. No one, in my opinion, could be more fair or render justice more impartially, than Superintendent Brockway.

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No. 522.

I have been used all right in the reformatory. I have no find fault with the reformatory. They use me like a man.

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No. 523.

Sept. 26, 1893.

I not anything to say about Mr. Brockway.

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No. 524.

I have nothing to say out of the way. I have been to the reformatory for almost a year and have been used right. If I get along as well always while in the superintendent's care I will be thankful.

No. 525.

Mr. Craig:

Dear Sir.— Hardly can say anything about the institution or Mr. Brockway, as I am here only a short time, but in the second grade for nearly two months, only on account of reports. So far as I know it was a great deal of injustice in giving reports through inmates. For an instance, the captain of my company is my friend. He will tell the lieutenant such and such a fellow, no doubt, to report him. The lieutenant will tell this to the sergeant, and so on, on it goes the other way, if the captain is my enemy. The most, or rather all, the reports I am getting are in ranks during drill. Also the food could be much better, as it sometimes is not fit to eat. I stinks firmly. There are a good many farmers and fools among the officers and inmates, and such a man can't educate an uneducated man. I think further that the higher citizen officers are all right, but not the farmers.

Yours respectfully.

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No. 526.

Tuesday, Sept. 26, '93.

Sir.— All that I have to say is the truth. I am in a red suit of my own fault. I have been punished by the superintendent once, but it did not kill me, but produced a better feeling in me and made me look out for the future. I have not got a report since then, and I hope to get in the highest grade again. The only complaint I have to make is I don't get enough to eat. Bread and water is not very wholesome all the year round. But I know more that is in prison worse off than I am here. Mr. Brockway always treated me fairly. If I had took care of myself I would be going home now. It is a man's own fault to be in a red suit for reports. Some men in here deserve 100 reports a day, and then they would not stop talking.

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No. 527.

Sept. 26, 1893.

Oscar Craig:

I have to say that the general superintendent of this reformatory is a good man as far as I seen. But he had me down in the bath-room twice, and he didn't lick me. He gave me a mark to go to him for a licking, but I didn't get there yet. My time here is twenty years, and I don't want to do my time in here; I want to get home as soon as I can, and I want to learn to be a good boy.

No. 528.

26—9—'93.

Mr. Oscar Craig:

Dear Sir.—I don't think that I have been used right while I have been here. I am here now going on twenty-two months, and out of that time I have spent twelve in the red suit, and in that time I have had a pretty bad time of it. I have been in the bath-room three times, and got paddled twice, dead wrong, because I did not tell on a man that had a pipe, and again for labor; I could not do my task. Each time I got hit over the head and face as well as the back. And another great wrong is giving inmates the power to report on other inmates. They will do anything in order to make a parole. They do not care what becomes of the man they report. The food is not fit for to eat. I have not drank anything but cold water while in the red suit, and I am hardly able to work half the time, let alone to do a task. If you want to help us along to become better men just put a stop to that military. It is all very nice to look at the dress parade, but you do not know what it costs the inmates. It keeps more men here than everything else put together. I have three years more to do and would do it with pleasure in State prison. You can show this to anyone you like. There is not a word here that I would not say before the general superintendent.

Respectfully yours.

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No. 529.

Sept. 25, '93.

Gentlemen, Mr. Craig:

Sir.—Feeling as it is my duty to act and answer to the truth about the statement that was made, I am about to give you my answer. Being a colored man I can freely say if I had minded my own business when first I came here I would have been home long ago. Now as I say I have been in the red grade for ten months and I have just concluded that the best thing for one to do was to mind my own business, and I have further said many times, I have went to the bath-room to get a spanking, and the superintendent has let me go but if we had citizens instead of inmates I am quite sure I would have been home, because first, if you get a report and deny it and the colonel investigated it you will surely get a chocolate. I will now close my letter by saying that I hope I get just a little more show and I will show you that a black man can make a parole as well as a white man. No more at present.

Yours most respect.

No. 530.

I can not say nothing much about the place. I ain't here long. I have one thing to say, that is, it is a shame how one man's word is taken better than another's. If a man sends a report back to have it investigated, when the colonel gets this report and has the officer and the man in front of him and he will ask the officer, "Did you see this man talking?" The officer said, "Yes." Then the colonel will tell the man he is lying. Then the man gets a first-class report. We are all inmates and I think it is not right to have one inmate to boss another.

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No. 531.

Sept. 26, '93.

Dear Sir.—I am sorry to explain me as follows: Since I came into this institution I have suffered very much, not because deprived of my liberty, not because deprived from all happiness; it is only throble—the injustice.

If I would have the right to speak plainly what I am since I ———— (?) within this reformatory injuries that is pitiable. If here a man is a corporal or sergeant and he tells a lie if he see he can not help out with the truth, they believe him. I swear before God that this is more injustice here. The only trouble in this institution is the investigation from the reports. If here somebody would investigate the reports with conscience there would not be as many as there are now. Bath-room. It is pitiable to see a man with his face broke. It is pitiable, with his spanking machine. That should not be permitted in the nineteenth century by people with civilization. That is good for slaves. I hope your kindness and good heart will do his best to procure some change in this institution.

Respectfully.

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No. 532.

Sept. 26, 1893.

Dear Sir.—I have one fault to find with Mr. Brockway, that is he does not parole men (?) he keeps men here another year for fairly nothing. I think a man ought to have a fair chance everywhere in this country. A man is expected to be reformed when coming here. I think this institution has not real reformed a man yet since Mr. Brockway has had it. I have been twenty

months in this reformatory and I thank God that I don't have to stay twenty more. I think it would kill me. If a man goes down in the red grade he is expected to work harder and does not get half enough to eat. I know what it is; I have been there. I thought I would fall apart when I was there for seven months. I think they ought to have this food changed entirely.

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No. 533.

Oscar Craig:

Hon. Sir.— With regard to the management of the institution in which I at present find myself, I think that it would be difficult to say too much in its favor. Justice may at times have gone astray, but certainly not with any greater frequency than in the outer world. I believe Mr. Brockway to have been an efficient, sincere and humane superintendent, and that in all his actions he was supported by consciousness of good intention. There may be cases in which the punishment described was thought to have been severe, but certainly no severer than the diagnosis of it can warrant. It is natural that in an institution of this kind, however good its management, there should exist an element of dissatisfaction, as there are always a number that can not or will not understand what is done for their best interests.

Respectfully.

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No. 534.

Hon. O. Craig:

I am here now almost five years, but I only can state that our superintendent acted toward me always kindly and like a gentleman. I know Mr. Brockway by personal contact better than any other inmate does. I know his feelings towards us, his intention to be just and to lead us to a better and nobler manner of life and his willingness to give to every man a helping hand in his struggle for liberty. Every man who received punishment by Mr. Brockway certainly deserved it. Through an unjust and partly untrue report from Col. Bryant I lost the last July parole board, and in order to show you the superintendent's good intention toward inmates, I quote you his own words he wrote to me on June 19. "There is never a time in the history of the reformatory of any man here, when it is not possible for him to recover himself from his faults by genu-

ine conduct and improvement. I have only to desire that you should be manly."

Respectfully.

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No. 535.

Hon. Oscar Craig:

Dear Sir.— I have no doubt but what the discipline I have undergone here will be of the greatest benefit to me upon my release. It has increased my strength of character and taught me more self-reliance and self-control.

I have been taught, and am now learning, a kindred trade, that will enable me to live an honest and respectable life. I have been given opportunities for development, mechanically, physically and mentally.

On the whole, the life I have led here, regular hours, evening up of work, and steady occupation, has made a better man of me than I was upon my entrance.

Respectfully yours.

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No. 536.

Sept. 26, 1893.

Sir.— I have no complaint whatever to make, either against the officials of this institution or its gen'l supt.

Among many things that I have learned while here are stenography, typewriting and typesetting, and having conducted myself properly, I have been well treated in consequence.

Respectfully.

To the Hon. Oscar Craig.

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No. 537.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.— After a hard struggle of over two years, when I was expecting a parole, an inmate (who was a deadly enemy of Brown, a man who worked with me in the dynamo-house) claimed that he found some tobacco pipes under the floor, and said the way he knew they belonged to Brown was that he saw Brown and me looking at the pipes. On this evidence alone, given by an inmate (and it was false) I was reduced to the lower first grade and assigned to hard labor in the foundry (for having knowledge of larceny) the report read. Shortly after this I was put back in the

dynamo-house. I was thoroughly discouraged and found there was no use of me trying to make a parole. An inmate gave me a dollar to buy some tobacco for him from a citizen who was working there. This inmate was caught with the tobacco, and told that I got it for him. Without telling me what I was charged with I was put down in the solitary, chained down to the floor by the wrist, without mattress of any kind and compelled to remain in this condition until one o'clock next day with the handcuff so tight on my wrist that I was in constant pain. At one o'clock next day I was taken to the bath-room and because I would not name the citizen who bought the tobacco for me he told me to take down my pants and paddled me until I became so weak I could stand it no longer and said he would kill me if I did not tell. I had to tell him. I was then reduced to the red suit and assigned to hard labor in the foundry. All this punishment I received for one offense. I could not sit down nor lie on my back for two weeks after I was paddled. The punishment is altogether too severe.

Mr. Brockway seems to lose his head in anger and reduces a man to the red suit for some trifling offense.

I am making no complaint for my own part, but am simply giving you a truthful statement of facts. When Mr. Brockway gets mad, he looks and acts more like a fiend than like a human being.

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No. 538.

Sept. 26, 1893.

Gentlemen.—I have nothing to say whatever against the discipline, rules and management of the institution. I have been treated perfectly well by the supt., Mr. Brockway, and by his asst. officers. I have to thank him for the good lessons, which I have received while here. I obeyed the rules of the institution and thereby never received any ill treatment and went along my way very smoothly. He has done a multitude of favors to every one of us, but there are a good many men that do not know how to appreciate a good thing and thereby can not blame no one else but themselves.

I remain, yours respt.

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No. 539.

28, 9, 1893.

Dear Sirs.—The first complaint I have to make is that I am here three years and one month and am arrested for grand

larceny. But it is not. It is petit larceny. I tried to get a plea to it but a lawyer fooled me in here. I can not tell you all because I have not enough room here. You will know in what kind of an underhand way they get so many men here.

The supt. said he can tell a true report with his eyes closed; that is false. I know cases where he did not tell. Justice is given to the highest bidder. Nineteen men out of 20 don't get fair justice here; it is all a humbug.

The food we get here is a great deal worse than they get in the Tombs prison. Yet we work and they don't. It isn't worth four cents per day wholesale.

I knew that sooner or later he will get in a fix. He does us more harm than good. I learnt more crooked work here than I ever expected to know outside. What we want is an honest man to do with us what is for our good and the good of society, but not for his own and the board of managers. The four of them pull on the same rope. I can show you that they make over $100,000 profit on board alone per year. Forty hundred and seventy-five, Johnson out, 4087, Parr, transferred and 4923, Schmitt, here are innocent of the crimes they were accused of and the supt. knows it, so does the board, but they don't care so long as they have them here they keep them till they get out. Forty hundred and eighty-seven, Parr, was more dead than alive when transferred. The three of them were fooled in this trap.

Most of us would sooner get transferred than stay here. The trade is all right, so is school and military in one way. It don't do the State good. But the justice and food is something a saint won't stand. It is dangerous to kick about it to the Colonel Bryan and Supt. The board only say "We'll see," but do they? We want an honest man over us from whom we can copy honest manners and deeds. No room.

I remain, respectfully yours.

If he was an honest man then there won't have been so many against him, except the born kickers. I would have been in the blue suit now if he would have done the same with me as with others. They put me on 3-4 task three days after I was put in that shop, 1 week 3-4 after full task. Usually first week 1-4, second 1-2, third 3-4, fourth and after full, he did not do that for me.

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No. 540.

Elmira, N. Y., Sept. 26, 1893.

Mr. Oscar Craig:

Dear Sir.— As it is your desire that I should let you know of my treatment here I must say that I have nothing to complain of.

I consider myself very fortunate at having a chance to learn a good trade (?). I will try and learn all I can while here. I intend to abide by the rules and do all I can to earn an honorable discharge, and go back to my home a changed man and begin life anew.

Until then I remain.

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No. 541.

I am here nine months and I can not say anything against the superintendent. I was down in the red grade and after my three months he put in the lower first grade.

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No. 542.

Elmira, N. Y., Sept. 26, 1893.

To the Hon. Oscar Craig:

Dear Sir.—What I have to say about the reformatory is this. I work in the foundry and have a task to put every day; that is, a certain number of molds. Now I can put all my task and do, but if I have bad work I get a report for being short also for having bad work. The both reports amount to sixty cents. We are only allowed forty-five cents a day for our labor, and have to pay thirty-two cents for board. Now if a man gets fined sixty cents what is he going to do? If I had to put twenty molds, and I should have three bad I would get fined sixty cents, and it does not take a man long before he gets enough reports to put him in a red suit. I can get along all right only for these labor reports, as my behavior does not bother me any. If we would only get fined for bad work it would be better, but for being short too, and when I put up all the molds that is required of me it is pretty hard. I am a new man and have only been here five months, and would like to make a parole.

Yours truly.

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No. 543.

Dear Sir.—I was brought back from parole as the supt. says for not working, and the officer came and took me from the shop the morning I was brought back here. I will have to do at least fifteen months for nothing at all. I commit no theft that I should

be confined in prison again. I was out on parole during Presidential election, work was slack at that time so I was laid off. I wrote to the superintendent at the time and told him that I was laid off, but that I could get another place if he would allow me, he sent me no answer, so I found employment but it was not steady so I could not work every day. I think I am not receiving justice in this case as I should. I would not say anything if I had went at stealing again after I was released from here and then brought back I would say I deserved no better. But in this case I do not think it is right for me to two years or so for nothing. I think if you investigate what I say you will find that I am speaking the truth. That is the only injury that I received from the superintendent of the reformatory but I think this one is enough so that I will remember it as long as I live. I do not expect these lines to help me any, if I thought otherwise I would not send them to you as I intend to show the superintendent that I can make another parole again. If you please just give the few lines a careful thought and see how much, and what they mean to me and to society, if I was in any way harmful to society I would deserve being here but as it is I had ought to be a free man in place of a prisoner. This is all.

Respectfully yours.

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No. 544.

Dear Sir.—I am here only six months and have been treated quite fair but I think that the colonel should give a man a little more fair dealing by investigating the reports.

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No. 545.

Dear Sir.—As to myself I have been in the reformatory four years and ten months, at present in the lower first grade I ——— (?) myself, as I want to not be here in this place of confinement. I ask no favor and expect none. I have received good advice from all who is connected with the reformatory, and as for abuse by Mr. Brockway or anyone else, it is a man's own fault if he is punished any way. I have been punished but not to hurt me in any way. If a man is sick he is cared for by a good doctor as can be found in this land or any other land. I am not saying this for to receive any benefit for my time is too short to, and if I had been treated unjust it would be put on this bit of paper. I can get

right up in court if necessary and say that he never did me any harm. I hope that a dark cloud will never hide the sun from his face and nothing cross his path to injure him. May he live long and die happy.

Yours truly.

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No. 546.

Sept. 27, 1893.

Hon. Craig:

Dear Sir.— Please give me an interview for I can tell my story better than I can write and tell nothing but the truth. I hope you will grant me this kind favor and oblige.

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No. 547.

Sept. 26, 1893.

If you called getting spanked cruelty, I have been to the bath-room three times. Once for being indifferent to another inmate when spoken to, and once for talking in my room to the man next door to me, and once for laughing at something a speaker, who was lecturing, said. The spanking did not last long, I only got a few cracks, and I would have gone down again if I did not brace. Last month I made a perfect months and I got the black suit. The supt. spanked me across the small of the back.

(One inclosure.)

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No. 548.

Hon. Sir.— I want to tell you about my treatment in a few words. I have been treated well as long as I am here.

I am your respectfully servant.

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No. 549.

I have nothing to say as far as my time. I have only been here in the reformatory a few months.

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No. 550.

Elmira, Sept. 29.

Dear Sir.— As I have been here now two years and in the red suit most of the time could not get along in school in too high class. Hard place it is.

No. 551.

I have been down in the bath-room and I got used like a dog. I said I was sick but that did not go. Then I was put in the solitary and there changed for a week with nothing to eat but a piece of bread and water once a day. I was taken out by an officer to Mr. Brockway. I told them that I was sick and was not able to work. He said he would fix me all right. Then he said get over there and take down your pants. He then took a big strap and gave it to on the back. He hit me but three times then I fell to the floor but I had to get again as he said he would have me strung up if I didn't. I then got and received another blow on the back and 1 in the face which gave me a black eye. I then begged him to let me go but I had to say I would do my work he let me go. Not long ago the doctor took me up in the hospital and it was there I saw a sight from the strap. I am not the only one that saw it.

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No. 552.

Honored Sir.—It is an unexpected privilege to open my complaint of a treatment I received as well as others. I acknowledge the guilt of the transactions I took part in but I wish to say that for an offense of which I was guilty I received a punishment that brought after effects detrimental to my health, for never before that time had I any strong necessity to see the physician but since am most the time under his treatment, and I firmly believe it traceable to my punishments. I also wish to call your attention to the fact that the whole pomp of military schools, lectures and physical culture is a fine bonnet under which is hidden a tyrannical, Russianized disregard of all the natural and just demands of the inmates. To give inmates authority is condemnable, as that power is shamefully abused by the revenge or favor displayed of an inmate officer to another inmate for an old grudge or prejudice he may entertain for him. He will also bear his influence on his fellow inmate officers to do likewise. This is one of the many other faults that underlie the pompness.

Dear Sir, I hope you will consider this as a true statement of one who is now 2 years and 3 months in this institution, who could be home long ago, had I the fortune of being liked instead of disliked by an inmate officer.

Very respectfully.

No. 553.

Cruelty, I should say so; if I had time I could write a history full; I am willing to swear honestly that I received such a flogging that I was taken up to the hospital a few days after it, and I was never known to feel good since. I worry very much about a severe flogging, and I dread to get a bath-room notice. I am here over two years and a half, and if I had twenty years I would stay here for good. I hardly ever see a piece of meat, and I honestly say if I had a good meal to sit down before I would never commit the smallest offense against the law of the U. S., to be sent away again. I cry aloud for my liberty, and I will show the authorities that I will appreciate it, even so I am satisfied to be left alone, the way I am now getting along. I am in the black suit, with three nines. All I ask is to be kept away from the bath-room. I would rather receive five years anywhere else than receive a terrible flogging from our guardian. I was flogged for saying a few words to a German who lied on me just to get me a flogging, and also for reports which I got from inmates who were enemies or held a malice toward me. I lived on (bread and water) every morning for fourteen months, bread and water and molasses, when I had a jar to dinner, a small ration of soup, which was not very good. I will never forget, as I went into the bath-room for my flogging, just as a poor fellow came out, bleeding, and oh, I will never forget the cruel treatment I received. Gentlemen, before God, what I say is true, and I am willing to swear to it, and ten times as much more.

Yours.

I was in a blue suit, when some of my friendly inmates, who did not like me to be monitor over them, gave me some tobacco, and then went up and told on me, and I got a red suit. I am now half way up the ladder for home.

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No. 554.

Sept. 26, 1893.

Mr. Craig:

Dear Sir.—The second day I entered this reformatory I took sick, so that I could hardly move. I asked to see the doctor, and was laughed at and told, in a slurring manner, that they could not be bothered with me. One week afterwards I entered the squad, and was hammered and knocked in the face and body, because I could not learn quick enough to suit my instructor. When I complained to the colonel about it, he did not do anything about it. I am sore yet from the knocks and kicks I got in that squad. This I will take my oath to.

Yours respectfully.

No. 555.

26, 9, 1893.

Hon. Oscar Craig, Chairman of the Investigating Committee:

Dear Sir.— I only have a request to ask you, and it is this: Is it possible that our supt., Mr. Brockway, can hold me over my sentence ?

Why, I wasn't here hardly two months before I received a notice informing me that I had sentenced myself two months additional imprisonment. For proof I have saved the note, and it is typewritten, signed by himself.

The only ill-treatment I received was at military exercise, occasionally I would get struck behind the head with the gun and bang in the back of my neck with the instructor's fist, which caused me to see the doctor and have one of my teeth extracted on account of the pain from neuralgia.

I remain.

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No. 556.

September 26, 1893.

Sir.— I have been in this reformatory four months; during my stay here I have acted manly in obeying the rules and I am getting along nicely. I think this is a good place for boys if they want to reform. If I had not been sent here I might have led a burglar's life, but as I was caught in the first act and sent here I have learned to keep out of bad company, as I learned to mind my own business here.

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No. 557.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.— I have been here since Jan. 2nd, 1892, and was promoted to the black-suit grade November 1, 1892. I had a perfect record every month after that up to April when a fellow named Moses was caught with a newspaper in his possession, and he said that I gave it to him. I denied it at first, but the next morning Col. Bryan came to the cell and questioned me, and told me I would probably save my grade if I owned up to giving him the paper, so I admitted giving the paper to him, and for that I received a fine of $6.00, and lost five nines, so I had to begin all over again like a man would upon first entering here. Now, I don't think that was just, because having a newspaper, or having

had a newspaper, only calls for a second-class report, as I have a report now that I received before this happened, and that was only a second-class report, and there are a great many here who have only received second-class reports for having newspapers.

I would have went in the blue suit in May and went before the October board to be paroled only for that. I don't ask you to do anything for me. All I wish to do is to place my case before you, and it is for you to decide whether I have been treated justly or not.

I am, yours respectfully.

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No. 558.

Dear Sir.—I am in the institution just three months and have been used more like a dog than a human being. First I work in the foundry and work hard all day, then come in and find my tea all over the floor, and a couple of pieces of bread lying in the wet tea. We work to 4.30 p. m., but to-day, because you gentlemen were here, we worked till four o'clock so as to give you people an idea that we work eight hours. How well you were not shown the foundry while the poor devils were working there hardest so as to avoid that Oh, terrible bath-room, which was only washed up a few days ago. In the soups you can find everything, even to bugs in it, it is dished out to you like to a dog in this lower grade, and they show visitors the dining-room, but never the poor devils who have to eat in their cell, but it is not Mr. Brockway, so much as it is the colonel with his reports. Then if you get a dollar's worth go to the bath-room, but I don't believe in this way of examining anyhow, as I believe this is only a fake through and through, but please God when the New York World investigates we will reap some benefit.

P. S. These men that could tell tales are dead and gone.

P. S. The poor devils who could tell a terrible tale are all drafted to Auburn. Go and get their statements, but I hope and pray that you gentlemen, as human beings and as American citizens, will thoroughly investigate and remedy this evil, and may God bless you.

Respectfully.

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No. 559.

Miss Craig:

Please oblige me and do me a favor. I can not get along in here, so if you please be so kind and transfer me to States

prison. Too many men are teasing me taking for a fool and making fun of me because I can not quite understand what say. I know a young man in here whenever I walk apast him he use very bad words to me and when I go and tell the monitor at the stand this man is using bad words to me the monitor always says we will watch him, but never says a word to that man. The trouble is because this man is in here three years and six months and he thinks that he can do whatever he wants to do, but he can not do it so if you do me that favor and send me to State prison.

Please oblige.

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No. 560.

Dear Sir.—I have been treated in the most cruel manner and subjected to the most brutal punishment at the hands of Mr. Brockway. No later than the third of July last I received a report for talking. I was taken down to the bath-room, better know among ourselves as Brockway's "slaughter-house;" he stripped me to my skin and made me stand against the wall and beat me till the blood began to ooze from my waist with a raw hide about six inches wide. I turned round in a dazed condition and begged for mercy. He then struck me several times over the head and face and told me, "If I turned around again he would knock my eye out," and remarked, "It is a pleasure for me to spank you fellows." That night I could not sleep with pains in my stomach and was afraid to stay in my room next day afraid the doctor would say I was faking and have the dose renewed. But this is only a trifle to what I have seen men getting at the hands of Brockway. I am here two years, have been in every grade, and know how the flogging is carried on. I can not explain myself fully here in this note, and if you would kindly grant me a private interview I will reveal to you a case of a young man, an inmate who met his death at the hands of Brockway, a most hideous crime to be inflicted on a prisoner in an institution like this. Happened only a few months ago. This reporting system is all a "fake;" for a chew of tobacco you can buy any of the officers. But if you will favor me with an interview I will reveal everything.

Hoping you will oblige me, I remain.

No. 561.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I have never been treated cruelly, but I have been treated unjustly. I have received reports which I did not deserve and it would not do me or anybody else in this institution any good to send them back and have them investigated, for the colonel would ask the reporting officer if he saw the man talking; he would say yes and that would settle it. That is what has kept me here for the last nineteen months and that is what will make me do my time, which is five years. There is one request I would like to make of you and that is if it lay in your or the committee's power to have me drafted, I wish you would do so and then I can do the rest of my time (three years and six months) in peace, and perhaps get better food to eat, and hear from my friends once in a while. The food we lower first and second grade men get to eat is not fit to give to a dog. The board of managers of this institution will build an armory (?) and put an organ up in the chapel, but will not give us proper food. What good will concerts, lectures and military do us?

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No. 562.

Elmira, N. Y., Sept. 26, 1893.

To Mr. Craig:

Dear Sir.—I have nothing to complain of for the time I have spent here since the second of December, 1892.

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No. 563.

Sept. 26, 1893.

Hon. Oscar Craig:

I have been here three years and three months. I have nothing to say about the reformatory. I learned a trade here and a great deal in school, but the school has kept me here most of my time, and when I came here I had a great deal of trouble in my work to learn it but I was always willing to try again and now I am nearly home. This is my first offense. The first crime I ever done. I have never been treated bad here, but I think it is not right to keep a man here three years when he has not done anything wrong to break the rules of the reformatory. Men that go out and go back get the chance to go home the sooner. I have

lost from 1891 to 1893, $7.95 demeanor, and in school $22. So this is all I can say at present but I could not write a letter when I came here.

Yours.

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No. 564.

Hon. Oscar Craig:

Sir.— What you will find on this paper is what I know from experience. I have been kept here unjustly for two years and have been treated worse than a beast. The superintendent has taken me to the bath-room and paddled me for getting reports enough to lose one mark. He has gave me as high as fifteen cracks across the small of my back and hips and it hurts me so that I had to holler and then he would hit me over the head. I had a black eye twice by his striking me on the face. Who did I get these reports from? No one except inmates. I have been in the institution three years and four months and only got one yellow report from a citizen officer since I have been here. If I would send the report back I would get another chocolate report with it, because the colonel that investigates the reports never gave me a fair investigation. He will take the inmate officer's word whether he tells a lie or not, as long as he gets a good windy story. I could have been out of here long ago if I had a fair show. I can earn an honest living and intend to when I am set at liberty and it is only wasting money and time by keeping me here any longer I am just as much reformed now as I will be when my time is up. As I meant to state a few facts previous it will be just as well if I give them here, what inmate officers will report you for: 1. Being a little slow to execute a command or for something that don't just happen to please them. 2. A lieutenant or sergeant or whatever his rank is will come aound, and if they see a fair looking fellow, they will go up to him and begin to talk so nice and ask him if he chews. If the fellow may say he does or does not; well, after he gets the chew the officer will ask him what he is going to do to pay him for it they (?) want is ( crime against nature). They tell the fellow they will square reports from him, and do a number of other things and if he won't do what they want him to, to get square they will report him for making threats that he would tell some one on him. The colonel when he sees the report he will investigate it. If the officer tell a good, fair story the private gets chalked in and the superintendent paddles him. Is that justice that he tells you of. It does no good to go to the superintendent or colonel about it. Why this officer will tell the rest

of the inmate officers what a squealer you are and then they all will whenever they get near enough or when the least little occasion occurs they give you the worst of it and get you chalked in and the superintendent does the rest with his strap, but not the one he showed to you when he paddled those fellows to let you see how he does it, that is about one-fourth of what he does. This is sufficient, I think. I could tell more if I had a private interview.

I am, your humble servant.

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No. 565.

Sept. 26, 1893.

Sir.—I have been ill-treated by the superintendent in the bath-room. I have been down there six times, and got beaten so that I could not lay on my back for a week or so at a time. He told me that he would kill me one time, if I would not stop getting reports. He would say if you turn your head I will close your windows for you, and if I would groan a little from the pain he would hit me across the head with the strap and say, keep quiet, and then he would give me another one across the head. He always hit me across the kidneys. I asked him to give me my good time he sent me a notice that if I were to keep on making perfect records he would put me before this board. Then I will have only two months to do. I don't see why he did not give it to me. I am entitled to it, I was in the first grade and in good standing at that time. I never did any crooked work since I have been here and do not see why he did not let me go when my good time was up. If I was sent to State prison I would be home since the second of July. Dear Sir, I must tell you ever since I was paddled my kidneys have been afflicted. An officer gave me a report for asking him for a chew of tobacco when I never spoke a word, and I denied it and got paddled before it was investigated.

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No. 566.

Sept 20, 1893.

Gentlemen.—I will make my statement to you as you have asked. I can not tell you as much as some other inmates can who I know have received cruelties from the hands of Mr. Z. R. B., but I can tell you that such cruelties have been done here in the bath-room and in number four quarters as they call them

(that is down in solitary), and that they have punished men for little things as talking, so they have had to send them to the hospital. I am here over two years now and have had a very hard time getting along. I have never been in the red suit as yet, but you can not tell what will happen to you in here any minute. For instance, I was working in a shop and was cleaning out with two other men when I found a bottle that had had alcohol in, and it had a few drops in it yet and I had the bottle in my hand conversing with one of the men, when an officer seen the bottle. I put the bottle in my pocket but I was taken and searched and asked where I got the bottle and I told them, but they would not believe me as I am a convict and told me that they would make me tell, so they put me down in solitary and chained me down to the floor for five days and coming down to me every day and threatening me if I did not tell them that I got the alcohol some place and that we drank it up. And when they had got me so weak that I could not stand it no longer they took me out and made me lose three marks which held me back from the blue suit and most likely will keep me here the time the board meets in October which I will be entitled to go before. For I am in the blue suit long enough and have got all of my nine since I have been in the blue. Gentlemen, I think that is not giving a man his rights to try and make him tell something he knows nothing about by half killing him, and then when they can not find out, make him lose three nines after receiving that punishment. Solitary is very much dreaded here by the inmates, for it is a tough place to be in. You are put in a small room, with nothing in it but iron, and so dark as you can't see anything, laid on your back, with one leg chained and one arm to the floor, but your leg is chained up on an angle on the side of the wall, and they give you two pieces of bread and a cup of water in the morning and you get nothing till the next morning. This I went through myself for five days. There are two sides to this place. One side is shown to anybody who comes here, and the other side is only known by the superintendent and his assistants and some of the inmates. I could tell you enough about this place to make a book, but have not room, so I close, and remain.

Your humble servant.

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No. 567.

Sept. 26, 1893.

Mr. Craig:

Dear Sir.— I have been chalked in solitary for forty-eight hours, and five days in room 603. Mr. Craig, I have seen some terrible

looking men coming from the bath-room. I have been locked up in here when I was innocent for a week. Mr. Craig, I never had my belly full until I got the blue suit, and now the food is only good when any visitors are around. I hope you will please see that we get better food, for some of the food we get is very unpleasant to eat. Mr. Craig, I should think the blue-suit men ought to get a little short time. I went to see about my short time, and I got typewriter, saying that I had to be in the grade six months, and that I didn't have enough money to my credit.

From your friend.

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No. 568.

Sept. 26, 1893.

Dear Sir.— I would like to have some steak for breakfast, then bring me a cigar, and a plug, and some beer, and oblige.

Yours truly.

It is all a bluff. The gig is up. Poor Brockway.

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No. 569.

Dear Sir.— I have been in the reformatory for two years, and I had a hard time of it, and I have been treated bad. I have been down in the bath-room and got beat till the blood was pouring down my back, and as the more I holler the more the superintendent would beat me, him and his officers.

From .....

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No. 570.

Dear Sir.— I can not find any fault about the place, as I am not here long enough.

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No. 571.

26, 9, '93.

Dear Sir.— You asked me to write. I was admitted to the reformatory November 19, 1892, and during my stay in this institution I have always been treated like a man. I was promised to be removed from the foundry when I made the blue suit. Now that I have been in the grade four months and still I am in there. Hoping to be put at my trade soon.

No. 572.

26, 9, '93.

Dear Sir.—Silence is golden, speech is brass. A true saying.

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No. 573.

Sept. 26, 1893.

Hon. Oscar Craig:

Sir.—Would you please grant me a private interview, as I want to ask you something very important.

Yours very respectfully.

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No. 574.

Elmira, N. Y., Sept. 27, '93.

Gentlemen:

Dear Sir.—I have been here two years and seven months. I was here three months and I got a red suit. I was in the red suit three months when I got taken down to the bath-room for punishment for fighting my room-mate; it was quarreling we were, but the officer said we were fighting and his word went. Then I got out of the red suit and stayed out three months, when another officer said I refused to work, which I deny. Then I went down to the bath-room for punishment, and a red suit and deprived of my trade. The bath-room is something terrible. I would sooner die than go down to it. You do not know if you are coming out dead or alive once you go in. Go to the men the superintendent drafted from here lately, they can tell you a tale, that is why he got them out of the way. He is a two-faced rival. He will cut your throat and give you a plaster. Investigate the cause of Maloney's and Murray's death. Father Bloomer, of Elmira, will tell you something if you go to him.

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No. 575.

Tuesday, Sept. 26, 1893.

Mr. Oscar Craig:

Sir.—I have been in the reformatory for eleven months and have been treated well. Have nothing to say against it or for it. Am in the first grade now.

Yours truly.

No. 576.

Elmira, Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I, as one inmate of this institution, entered here on the 22nd of October, 1892, and since then I have never had any fault to find with it, or never have been used in any way wrong. I have done to the best of my ability all that have been laid out for me; so, therefore, I have so far made a very good record and an easy way for myself. This is my statement, with a true heart that would not hesitate to say if I have ever been used in any way wrong. I am, sir,

Yours sincerely.

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No. 577.

Elmira, N. Y., Sept. 26, 1893.

Mr. Craig:

Dear Sir.—I have only been in the place since Dec. 2, 1892. I have been treated all right. Nothing to complain.

Yours.

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No. 578.

Sept. 27th, 1893.

I have nothing to say but that the men you should get the letters of has been sent to States prison or some other prison. He has been sending them away, 14, 9, and I think the other number is 24 at a time, but he wouldn't put their number in the Summary. He will get out of this scrape as sure as I'm writing this letter. This is all a bluff and I know it. He will kill as many more when he resumes charge, as he did for the last 17 years of his reign. I took a tumble the month of June that he was not giving as many black eyes as to the men as he did the months previous. He came into the shoe shop last February and caught a man fooling. He grabbed the man and commenced pounding him, and told the officer, Mr. McCanna, to send him down to the bath-room if he ever caught him fooling again, and that he'd fix him. He has never got me down to the bath-room yet, but if he ever takes me down there I'll go to States prison. I would not run the risk of being killed in this place. If I had my choice again in court I'd say States prison, or some other prison, and that is the opinion of many a man

here. I do not want to say any lies about him; I respect every man, but I tell you the truth, that if that man remains here there will be many men sent to States prison or he lay the strap with more severity than ever and kill his enemies. You are not quick enough for him. You ought to see the way he treats the red-suit men. They get bread and water and molasses for their meals. They can buy an organ, but can't put a decent meal on the table. He tried to jolly the men along last night, but he got enough of hissing. He tried to make the men laugh, but that gave him away, and he knows it. The reason why they weren't all hissing Mr. Brockway, they were afraid of getting the red suit. The murderer ought to be tied to a lamp-post and his body riddled with bullets. He would call the men a liar, a convict, when he would do anything, but he is the biggest thief and a murderer that ever trod through the streets of Elmira.

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No. 579.

Sept. 26, 1893.

Dear Sir.—I can say nothing but good of the management of this institution, and I see no reason why everybody should not get along as well as I have. If he wants to.

Very respectfully.

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No. 580.

Hon. Oscar Craig:

Dear Sir.—There are two officers, high in authority, Col. Bryan and Chief Clerk Woolley, an ex-prisoner, who are at the bottom of most of the injustice of this place. They are utterly unscrupulous and the superintendent relies upon them almost implicitly. Owing to a deliberate lie of the former I was taken to the bath-room and flogged most unmercifully, and having written, on another occasion, an improper note to an inmate, I was taken to the bath-room several days in succession and flogged to such an extent that I have the marks on my body to-day, thirteen months after it occurred. I have been here four years and nine months and on two occasions lost my grade without adequate reason. I have been an officer in this institution and as such held the highest rank that an inmate can reach (senior captain) and I know that any inmate who wishes can keep another inmate, against whom he may have a grudge, almost to the end of his maximum term, if

he but have a friend among the inmate officers or hold a rank himself. This is made especially easy through the injustice and partiality of the aforementioned Col. Bryan, who investigates reports, which investigations are almost invariably a farce and a fraud. So, while the superintendent certainly carries physical punishment to excess, yet in most cases he is led to it through the representations of Col. Bryan.

Respectfully yours.

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No. 581.

Dear Sir.—I have been in this institution three and one-half years, and I haven't any complaint to make.

Respectfully yours.

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No. 582.

Mr. Craig:

Dear Sir.—I came to this place on the 9th of December last in 1892. I have been treated like a gentleman and I know if an inmate try he will help him, for I have heard men say the supt. has made a nine for me this month. I mind my own business, and have got along all right. I am an officer and there are men will do things in spite of anybody. This is what I know. Supt. has bad men to deal with.

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No. 583.

Sept. 26, 1893.

Dear Sir.—I have never been to the bath-room and I do not know much about it, only what I heard other inmates say. I have always been treated all right so far.

Very respectfully.

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No. 584.

Sept. 26, 1893.

Gentleman.—I have been here three and a half, and I have never considered myself cruelly treated, fact is, I have never been paddled.

No. 585.

Elmira, N. Y., Sept. 26, 1893.

Hon. Oscar Craig:

Sir.—I can not say much about the punishment I receive here, although I have had many a report which I did not deserve, and if I had sent the report back I would have received a first-class report for it. When I would get a report for making a mistake, I would try to explain why I did so and would receive another report for replying. Although the general supt. has never punished me, I can not say then that he has done me any harm, he has been good enough to take me from the red grade and put me in the lower first grade. I do not receive many reports now, so therefore I do not receive any first-class reports. I can not say much about the supt. as I only went to see him three times since I have been her. This is all I can say. I will close my note.

Yours to command.

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No. 586.

Elmira, Sept. 26, 1893.

Hon. O. Craig, Chairman P. C.:

Dear Sir.—The request you ask about treatment of the reformatory. So long as I have been here Mr. Brockway treated me all right, but the rules are a little too strict, and for the food I do not get enough to eat, and what I do get is not fit for a pig. I think an institution like this ought to get tobacco. It would stop a good deal of this wrong work. That colonel we have here does not treat anyone right. If you sent a report back to have it investigated he will not take your word, or if you have any proof it is all of no use. He gives you a first-class report every time. This is all the faults I have to let you know about.

P. S. The rules are hard and we ought to get better food and tobacco. This is all I have to kick about. I remain.

Yours respectfully.

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No. 587.

Sept. 26, 1893.

Dear Sir.—This place is all right if a man looks out for himself. I do not know anything about this place myself, for I have not been here long, but I do know that it is not right for him to

put me in the foundry, for I can not stand it, and I told him that, but he has not given me any answer, for I am small and light. I do not know what he put me in there for, and I am too small to learn the blacksmith trade, and about reports, they give a man a report for nothing. The inmates will give you one for looking at them, and it is not right for to put a man down for school. I am only four feet and a few inches tall, and to say he put me working in the foundry it was not right. I hope you will look into it.

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No. 588.

Elmira, N. Y., 9, 26, '93.

Dear Sir.—I herewith state the facts, as well and as true as I possibly can, knowing and expecting no benefit from making this statement. Being here in this institution almost a year, say, truly, I have had no punishment but what I actually deserved. In my state at the reformatory had the good fortune to visit the bath-room three times, but not until I had each time received several friendly notices, giving me plenty of chance to avoid same. On being sentenced to the New York State reformatory did not expect to be fondled and kissed on my arrival or during my stay, or what is more, had no ambition to show the inmates how tough I could possibly be, as is the case with a great number, and from whom I think you will receive the most complaint. This being my true statement impartial to anyone, and willing to face and stand by same.

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No. 589.

Elmira, Sept. 26, 1893.

I have nothing to say about myself, but I know that a man does not get a fair show to make a parole. When I first came up here I seen men come up out of the bath-room with their two eyes blackened and could hardly stand, and had to drill five hours in the squad, and then went to see the doctor, but they did not get anything done for them, and if a man did not pass in school he would get a red suit and go down to the bath-room. There are men who have got to work eight hours at molding in the foundry and put up eighty molds a day, and they go to dress parade and then go to trade school and work two hours after supper.

No. 590.

26, 9, '93.

Mr. Craig:

Dear Sir.— As I am asked to make a complaint against this institution, I will, and I am glad to do so, as it deserves it. I am here almost four years now, and I should have been home two years ago. My record was as good as some of the men that did go home at that time. I have not been treated like a man or I would have been home long ago, and the only reason I got for it is that I have got fifteen years and the superintendent thinks that six or seven years out of that won't hurt me. Now, if you think so, I would be thankful to him or to you, sir, if you would have me transferred to some State prison, where I will have at least a little comfort the remainder of my fifteen years. It is a long time I know, but I am sure I would not live to go through four years more in this place, as I have went through sixteen months in the red grade, with just a blanket, pillow and thick for bed, a cup of water and a spoonful of hash for breakfast; for dinner a pan of soup, with nothing in it most all the time, and bread and water for supper. There ain't a States prison, penitentiary or work-house in this State that gives such bad eating. I have been handcuffed to the floor for seven days, without getting on my feet, and threatened worse than that if I didn't say something which was not true.

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No. 591.

Sept. 26, 1893.

Hon. Sir.— Since, in your announcement to-night, you stated the you wanted the plain truth, I will endeavor to give it in a few lines. I have been confined in this institution just six months, and I have met with no serious difficulty as yet, and being here on a definite sentence, I have to stay my full time. I have tried to live up to the rules of the institution, which is a very difficult thing to do, considering the means of marking by these inmate officers. Many a report is given through nothing but petty spite, by quite a number of such officers. Now, another and one more important statement I have to make is, about the food we receive here. It is in such condition most of the time to be unfit to be eaten, by any decent man. I do not receive the proper food to the extent of money that is appropriated during my confinement here. Not one-half of it is spent in the distribution of food that is appropriated, in my estimation. And to the investigation of reports I would sooner look for justice from Mr. Brockway than from that so-called "colonel" that we have over us. I remain,

Yours respectfully.

No. 592.

Elmira, N. Y., Sept. 26, 1893.

Hon. O. Craig:

Sir.— As far as I am concerned, I have no complaint of cruelty to make against the system of punishment in force at this institution. I have received physical punishment once, but suffered no bad effects from it. On the contrary, I have been greatly benefited by the discipline here. All I have to complain about is the food. My blood has been impaired by it since I came here. I believe we could very easily and cheaply be supplied with better food. I have to content myself with scarcely more than bread and tea. Most of the rest of the food we are supplied with I can not eat. This is all the complaint that I have to make.

Yours truly.

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No. 593.

Sept. 26, 1893.

To the Hon. Oscar Craig:

Sir.— I wish to state that I have only one fault to find since I have been an "inmate" of this institution, and that is, I don't get enough to eat, considering what "we" (the inmates) have to pay. I have been an inmate over six months.

Yours respectfully.

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No. 594.

Sept. 26th, 1893, p. m.

Sir.— I have no complaints to make, but if you can spare the time I would like a personal interview with you. Please let me know if I can, and oblige.

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No. 595.

Will you please investigation this report as I make a mistake in moving from room 622 to 1607 without proper orders, as I went in the black suit the 3rd of September, as I do not want to lose my grade, as I send this report to you to see if you will be so kind as to cancel this report, and oblige.

I can not write.

(One inclosure.)

No. 596.

Sept. 26th, 1893.

Dear Sir.—I have been used all right so far. I may blame myself for not being home long ago. Mr. Brockway used me all right.

Yours truly.

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No. 597.

26, 9, '93.

Mr. Craig:

Dear Sir.—I have longed for a chance to be able to prove that I was reduced from the upper first grade on April 10th wrongfully, and I hope this chance will see that by an investigation by you and your friends I can prove to you that my reduction was simply a gratification of a desire of Col. Bryan's. For two months before my reduction he called me up before him and accused me of being crooked, although I never gave him a cause to think such, but this morning he told me very frankly that he would lose my grade for me, which he did, for further proof that I was reduced wrongfully. I can get an officer who can testify in my behalf if you will give this note your kindest consideration. I have nothing further to say for or against the institution, although it has its good and bad faults as is equally true of government wherever you go. I hope you will give this note your careful consider, and I would like you to investigate my case and render your decision on the evidence that is given for or against me. Hoping you will call me before you and give me a trial to prove that I was reduced wrongfully, I remain,

Yours.

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No. 598.

To the Chairman of Committee:

Sir.—I write you these few lines to let you know that I am suffering pain in my limbs and back. I have been going to the doctor, but he won't do anything for me. I have been suffering for about a year with it, and hope when you receive this I will receive some benefit by it and you will oblige.

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No. 599.

Mr. Craig:

I have nothing to say against Mr. Brockway, as I am not here long, only since August twelfth.

From.

No. 600.

Sept. 29, 1893.

Sir.—I do not know anything about this institution, as I am only here about six weeks.

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No. 601.

Tuesday, Sept. 26, 1893.

Mr. Craig:

Dear Sir.—I arrived here on July 6, 1893, and have hard time of it since I was reduced to the red suit on September 1, 1893, for reason of not making a perfect record for the month of August. I immediately wrote to the superintendent and requested to know the cause. My note was returned marked, "You did not make a perfect record when you received a last call." When I received a last call I was already knocked out in reports I had an interview with the superintendent and requested a little more time. He promised to let me know, and that was the last I heard of it. I felt certain if I had been granted a little more time I would have made a perfect record thereafter. I also feel that way about it. Since I have been reduced I have lost all courage to get in the black suit, for every time I make an attempt some one is sure to start reporting me even for turning my head, but once I get in the black suit I shall beat my way to a parole, even the superintendent, and even the board of managers are against me. There is in my opinion too much trust put in the inmate officers, for if they take a dislike to a man he might as well get in a red suit at once, for he is sure to go down. Also, I would sooner be dead than go through what some men say they were. Locked up in solitary confinement for fifteen days, fed on bread and water, with escaping steam running all over you in one minute. The next second a draft of wind blowing through your body and having plenty of rats and mice fall over you when you try to sleep. Also receiving about twenty lashes on the bare back from a leather strap as hard as a piece of iron. These are a sample of what I have been told by some men who have passed through it. There is also too much favoritism here, some men being allowed four and five months to make a perfect record. I worked along with a man who did not make a perfect month since last January. He was not reduced, either. Do you think that is fair treatment? For instance, if a man is spoken to in ranks and replies, he gets a report. If he does not reply, he gets a report, anyway. When the superintendent is seen in reference to reports,

he says, "Send them back. Send them back." That is easy enough to say, but if a man is fool enough to do it he is sure to get the worst, a chocolate, with the report back. I sent a report back, of which I knew nothing, and certain to get the worst of it. The enclosed reports will give you an idea of what trifling things a man is reported for. Now, for myself, while in the awkward squad last July, an officer took a dislike to me and told me to get measured for the red. When he always manages to give me a report every time he sees me. If the superintendent puts me in black suit next month you can put me down to July parole court, as once I get in black I guarantee I shall be home inside of twelve months fowling, let whoever be against me. I won't care once I get in black, but to get it is going to be a hard job for me, everyone dead against me. I hope I shall be one of the lucky ones for next Tuesday, for it would put new life and hopes in me. There is an aged mother who is waiting for me, and I shall do my best to be near her soon, and once I regain my liberty I shall never enter prison again. Death shall be more welcome. I have always tried my best to get along here, not having violated the same rules twice, but men, finding I did not send reports back, would give them all the more. Favors, of which I asked the supt., nothing has ever come of it, for they were never granted. Now, kind sir, I have one favor I am going to ask you. Please put me in the black suit, and you, or anyone else, will never regret having helped me along. This I ask for mercy's sake. I faithfully promise to make a perfect record hereafter while in the institution.

Respectfully.

(Six inclosures.)

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No. 602.

Dear Sir.— I am now in this reformatory most four months, and can say that I was unjustly treated. When I came here I went to the doctor and told him that I was sick, but he only called me a fakir and refused to do anything for me till I laid in my cell one day. He came around and ordered me out to work. I told him that I was not able, and he had me punished. I have the same sickness now, and any doctor can examine me and he will find that I am sick and can also prove by outside doctors that I have been sick for a long time.

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No. 603.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.— For me, I think that the mode of punishment which he has in the bath-room ought to be stopped. I have been here

now seven months, and have a maximum sentence of ten years. Reduced to second grade, second grade, second month, not being able to do my task. I was not perfect in my lessons. I would like to know if you would not put me in a black suit and give me another start.

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No. 604.

Sept. 26th, 1893.

Dear Sir.—Although the food we get, especially the foundry men, for doing task work and in return of which the State is getting mechanic's compensation, it certainly is, as you can see, detestable; I am not going to state about it. I have never been to the "bath-room," the place of torture, but I have seen men released therefrom in pitiful condition after the superintendent had gone done with him. I am not writing this, dear sir, thinking it will do the place any good, and pardon me for saying this, he invited you to come because he anticipated an investigated by the "press" or Governor. There is no investigation that will do this place any good except it ends in his expulsion. I don't expect justice. I will do my best to get out amidst all the injustice, and then lead an honorable life.

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No. 605.

As far as I know about this place, and see the men are used terrible. You people do not know anything about it. They have the foundry fixed in such a way that it is terrible to get along in it. It is impossible for any man to do the work, and if you don't do it you are taken down to the bath-room and flogged half to death, kicked and clubbed and punched by three or four of the biggest officers in the place. The food is terrible to give one. I am trying to live on bread and water, work in the foundry moulding every day, and a man in the red grade is used like a dog. Your people do not know anything about it. The outside they tell your people everything all right.

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No. 606.

Sept. 26th, 1893.

Dear Sir.—I wrote you stating that I have been used all right, but it is pretty hard for a man to get along in the foundry. A man gets so many labor reports. It was my own fault that

I got in the second grade. I didn't know how to keep my mouth shut. I have been in the grade now six months. It is my first time in it. This month I tried to get out of the grade, but the labor reports knocked me out. I can't seem to get along without them, as I tried my best to get along this month. I have no yellows, as we call them, and no pinks. Hoping you will help me out of the grade, and oblige.

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No. 607.

26, 9, '93.

Mr. Craig:

Sir.—Being informed that you want my opinion of the prison, I will try and make it plain, but I could say it much better than I could write it. In the first place, the rules for demeanor are too strict. It is almost impossible to get along. One dollar causes the loss of a perfect month, and you are apt to get a second class report, $.30, for talking or making a mistake at drill, or for fifty or sixty other petty offenses. Three and one-half causes the loss of one dollar and you after get one with five or six offenses causing the loss of $2.00 or $3.00. At drill you are sure to get a first-class report for replying when you are reported, and the colonel always orders a first-class report, or has you locked up to get flogged. The reason that some people get along so well is that they have friends here. If they are from New York or Brooklyn they will know some of the inmate officers, and that way will get helped along. I came here June 9th, 1891. I am a farmer and never broke a law before. When I came here I did not know what it meant to break a law or what the consequences were, and what vice I did not know when I came here I have learned since. I am here almost 28 months, and if nothing happens I expect to do the other 32 months. I am 20 years old and never got a cent for the crime I done. The crime was burglary in the third degree. If it had not been for the loss of marks in demeanor I would have been home 15 months ago. You get a report for this and one for that, and one more for something else, and you are gone for this month. If you don't make perfect record for every other month you will get reduced, or if you have two imperfect months you get reduced. I am in the red suit, and in this grade we have no slippers or combs or tooth brush or hair brush. No looking glass, no sheets, no chair or no carpet. I have a good carpet but they will not allow me to have it. For breakfast we

get a spoonful of ice-cold hash, and some bread for dinner, a pan of soup and some bread for supper. A piece of bread and a cup of water. I could write much more, but I would rather see you and then I could explain what I mean. Last June I got flogged. I got twelve raps. Each one almost knocked me down. I got hit across the kidneys, and I suffered from it for three weeks. You always get hit across the back, and it most always affects your kidneys.

———.

No. 608.

Elmira, N. Y., 26, 9, '93.

Hon. Oscar Craig:

Dear Sir.— I have been in the red suit for six months, but I was put there for disobeying the rules of the reformatory. I was punished for what I did, but I can not say that I did not deserve it. I think if I had tended to my own business when I first came here that I would have been treated all right. I am none the worse off for the punishment I got. The food is very poor.

Yours respectfully.

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No. 609.

Hon. Oscar Craig:

Dear Sir.— I must say that I was flogged once down in the bath-room for loss of marks in reports. When I first was here about five months, and then I got the black suit again, and then he made an officer out of me, and one day I got reported from another officer, which gave me quite a number of reports which were not true, and so I send them back for investigation, and the colonel called me a damn convict, and said I ought to be put through a good flogging, which would make me brace up. Then I went and told the superintendent about it and he said nothing, but reduced me in grade, which ought not to have been done. I would have been home by this time.

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No. 610.

Elmira, N. Y., Sept. 28, 1893.

To the Hon. Oscar Craig:

Sir.— I have a few lines to say concerning this institution. I have been punished twice for nothing that was of any account.

in the shop where I work I was on task which is drilling pulley wheels. This was when I first came here. I was placed on a machine that I did not know anything about, and so I burned a few drills and was chalked in and taken to the bath-room where I was not allowed to say one word for myself and unmercifully treated. I was black and blue for two weeks after. My right eye was closed by a blow from the strap which the superintendent held in his hand, and that is not all I have received first-class reports for third-class offenses. That has been the cause of keeping me here. The monitor in the shop has gone now, but by looking at the books you can see what it is. Then there is the military. I would have had a nine the first month I was here but for the inmate officers, and so it has been ever since I have been here. What is the cause of my reduction to this grade? I will tell you. It was because I signed an article asking for better food, and that stated what we thought of this institute. The food is horrible. It makes me sick very often. The bread is sour most of the time, but this does not matter. Just go to Auburn prison and see the inmates that were transferred from here. They will tell of worse treatment than mine. I have but one more year to do, thank God, and if I had some friend outside who would get me a job, I might yet be an honest man. I have a desire to be honest, and would like your advice as to what I should do when leaving here.

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No. 611.

Sept. 27, 1893.

Mr. Craig:

Sir.—I will state my case and let you see how a man gets treated in this place. They say or the Supt. Brockway claims that men get fairly treated in every way, but it is a falsehood. They do not. I came to this place in July, 1890, under a five years' charge, and I expected to make the parole, but if I had got treated by the superintendent like a prisoner should be treated and not like a dog, why I would have been home two years ago. January 24, 1892, past, I got in some trouble in the foundry with another prisoner. The colonel of the regiment, as he calls himself, which he is no friend to a colored man, chalked me in. That is, put me in the guard-house and then the superintendent had me put down in the solitary. They chained me down and left me down four days. Then they brought me up to the bath-room and brutally beat and kicked me. It was a shame before God. The superintendent beat me with a big, thick strap, and his

officer, Mr. Samuel D. Sample, who is principal keeper now, kicked me in the stomach and kicked me in the face and head, when they had me down, and the other officer, Luke Halpin, punched me in the face, Mr. Sample thought he had not done enough to me, come up to me and kicked me all his might in my head over my right eye, thereby causing a terrible gash. The hospital steward had to sew my eye up. What I am saying is the truth and nothing but the truth. Then they put me down in the solitary again. When they got through with me the supt. said to the officers, "Put a coat over his head and put him in the solitary." He said that he would kill me if I did not brace up and make a better record. Well, I could not see out of my eyes for two days. When they put me down in the solitary, Mr. Sample, one of the officers, who brutally beat and kicked me, brought me down some of the officer's rations. It included beef steak, officers' coffee, bread and butter, potatoes and a piece of cake. They fed us for a week on officers rations, then the Lieut. Col. Halpin who has now left the reformatory, came in the solitary every morning, asking me to not make any trouble when I came out, telling me if I did I would get in more trouble, meaning that if I got revenge for what they did for me I would get another term in prison. Well, I got well all but my eyes is weak from the effect yet, and continually pains in my head. Six months later I gained the lower first grade, and wrote a letter home to my fathtr, but did not say anything about how they gave me cruel punishment. Then I was seven months in the lower first grade. Then I reached the upper first grade. I had two months of perfect record, and because I went the other two months with imperfect the superintendent put me down. He knows that he has treated me since I came here, and he thought I did not like what he did. Neither I do. Then I went up to the board of managers this last gone July, and told them how I had been treated, but they gave me no encouragement at all. Then some men in the foundry, July twenty-eighth, started a school, and they connect me in it. The superintendent paid no attention to what I said, but put me on the rest cure gallery, starving me out on bread and water. I was up there for a month. Then he sent for me and took me on the floor and told me I complained to the board of managers. I told him I did. He acted as if he did not like to hear me complain to them, but I am not satisfied the way he has treated me, and I intend to bring this case of mine before law if I live when my time if up, 1895. Please grant me an interview to the board of investigating committee.

No. 612.

Sept. 26, 1893.

Dear Sir.— I have been fairly treated here. That is, I suppose, because I never did anything to merit being used wrong. I have seen men fight and get thoroughly punished for it, and again I have seen innocent men get kicked around, As for myself, I have nothing to complain of, but what one sees and hears sets his mind. Of late Mr. Brockway has been very kind. There has been a good many fights and crooked work, but they were all let go. You know yourself if a man knocked down an officer he has to be reprimanded, or he will do it again. Ditto in all funny work.

Yours truly.

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No. 613.

Sept. 26, 1893.

Dear Sir.— All I wish to ask you, if it is legal to get paddled for task shortage in the foundry ? I have got paddled for it. Also, it is impossible for me to do my task, on the food that I get here. I do not expect food that I would get outside, but I would like to have some wholesome food, so as I could do my work. I have been in the red grade since the twentieth of April, and it is labor reports that is keeping me in. I would like to know if I could not receive a letter from my friends. I have not received one since I went in the red suit. I do not know whether my people are dead or alive. I think it would be the least you could do for me is to let me write once a month and receive a letter once a month, the same as they do in other prisons. My friends thought I would not be here over one year, but I will stay my twenty years if I get (?) labor report every night. I am here since the nineteenth of December, and God knows I would like to be somewhere else. That is all I have to say. I hope you will let me have a letter from home.

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No. 614.

Dear Sir.— I have been in this place. I have been starved there almost to death. The eating is terrible. I can not get enough of anything but plenty of hard work. I hope that you may see it all in place, for God's sake. It is a sin against man.

No. 615.

Wednesday, Sept. 27th, 1893.

Dear Sir.—I was committed to the reformatory January 15th, 1892, and on the 29th day of February, 1892, the genl. supt. took me down to the bath-room and flogged me in one of the most meanest kind of a way. He threw me on the floor and kicked me in the face, until I could not see or speak. Mr. Sample, the keeper, came in, and caught me by the ear and lifted me on my feet and threatened to kick my damn face off if I did not stand. And another complaint is the food I have been getting. I do not know what a piece of good meat tastes like for nine months. I have been treated mor like a dog than a human being. He has also sent me a bath-room notice saying if I get reports enough to lose another mark he will send me home in a box. I have witnessed one of the most horrible deeds the bath-room has ever known in the reformatory. That was the murdering of No. 3865, in June, 1893. Cons. No. 3865 was taken to the bath-room on June between the first and third day, flogged. The cries of that man were horrible. I was standing outside of the door and heard him ask the genl. supt. to have mercy on him, and the genl. supt. said "Yes; I'll have mercy on you; I'll send you home to your Father of Almighty." I could not express on paper all, or one-half of what I have seen in this institution. If you could come and see me I could tell you better than I can on paper.

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No. 616.

September 26th, 1893.

Elmira Reformatory, State of New York.

I don't say anything about the genl. supt. at all. I think that he is a good old man, as far as I have been here. I know when I went down to the bath-room to get clubbed, I got four raps and that was all I wanted to get, for it was my own fault, because I did not behave myself, and why would I not get clubbed? Some of these tough fellows come down in the bath-room and try to club the genl. supt. It is no more than right to club them. If he wouldn't the whole house would go as they pleased, so it is no use to give them a chance to do it. That is all these fellows look for, to get the genl. supt. chased from this place. Some of these fellows don't care at all. They get in fights and the genl. supt. will take them to the bath-room and spank them, and then they would show a fight down there so then the supt. would have to spank them.

Yours truly.

Please answer letter please.

No. 617.

I have always been treated all right except being reported for that I was innocent. The inmate officers will report the other inmates, and if you send it back for investigation, no matter if it is one, two or three class report, you will receive a first-class report, for they think that their word is better than the defendant. If the inmate knows anyone's number they can report them, and they know the colonel will take their word, before he will take theirs. I got reports two months that I was nowheres around there that day, but I knew enough not to send it back, for I knew that would get me a report every day if they want to. That is the only fault that I can think of.

Yours truly.

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No. 618.

Hon. Oscar Craig:

Sir.—What you have read and heard about the reformatory is mostly true. I myself have been here most two years, though mostly my own fault. I never have been down to the bath-room treatment, but have seen men after they come from there. I could tell of self experiences I have had in the foundry, which the books on the guard-room floor will tell. They are not white-washed. There is no need of using time up for nothing, for this is nothing but humbug. Please excuse me for telling so plain.

Very respectfully.

New York State Reformatory.

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No. 619.

Dear Sir.—I was punished unjustly this month for a thing I never did. A man broke into a desk and took some tobacco. I saw him, as another man did. The other man told of it. I did not, and they punished me. They knew that it was not me, so that could not furnish them an excuse.

Yours respectfully.

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No. 620.

Mr. Craig:

I have been down to the bath-room once and got five cuts with the strap, till my back was black and blue for a week afterwards, and I do not think that I had ought to have had it so

hard, but do think that if I disobeyed the rules I had ought to have been locked up for it. Besides, I got one more cut across the shoulders which took the skin off from it and made it so I could hardly wear my suspenders for a good while after that, but did not dare to say anything about it, for fear he would knock me down with the handle on the strap. And then I was taken out as fast as I could go, and tore the pants half off of me on the door, and then I was taken out to work and had to work all the afternoon with my back paining me like everything. Then, because I laid in, I got a report for it, and sent out to work again, and I do not think it is quite right for him to do what he does by spanking.

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No. 621.

I have not many complaints to make. About six months ago I was convicted of chewing tobacco. The man that told the supt. I was chewing is home now. He had a grudge against me. He was in the New York Catholic Protectory with me and I was liked there by all the brothers. When I got him punished one time for fighting. So he told the supt. here that he caught me chewing tobacco. In that way he thought he would get a grudge against me, in which he succeeded and got me punished. I told the supt. the same as I am telling you, but he called me a liar and said I was a convict. I said I was not, so he knocked me down and kicked me in the face and the side also. I was laying in my room sick two months when I was chased out before I was better. Then I asked the supt. to send me to the board of managers, and he refused me and punched me in the eye, and he then he chalked me in and gave me 15 raps. Just because I asked him to see the board of managers, because I was not getting treated well. Another complaint is I had a smaller ration than the other fellows. I showed it to the colonel, and he gave me a first-class report.

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No. 622.

Mr. Craig:

Sir.—My treatment in this institution has been all right, and I have deserved all the punishment I have received here at various times, but what keeps so many here and prevents them making the parole is the fact that when the inmate officers have men under their charge they thing of nothing but making out "banners," and

if the system of putting one inmate and allowing him to vent his likes and dislikes were abolished, there would be many more paroles made than there are now. As to the reports a man gets for nothing, you know it is next to impossible for a collection of young, healthy boys or men to be like so many posts and not open their mouths, but if a man speaks to another man four times in one month without permission it means one more month in the place, but I expect that the lesson I have received here and which I appreciate will be a great benefit in my free life, which will be commenced in my home in Rochester, which I believe is yours also.

Yours respectfully.

P. S.— If you would take some of the statements of the men who are in the higher school classes, as "A," "B," you will get more truth that you would from the "rabble."

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No. 623.

Elmira, N. Y., 27, 9, '93

Hon. Mr. Craig:

Dear Sir.— Taking the opportunity I now have, I wish to say to you and the committee that during the time I have been here I have received quite a number of false reports, but I am sorry to say I have never, since I have been here, got fair judgment on my reports. All I ask for is fair play, but as yet fail to get it. I have at the present time in my possession false reports that in the word of a man I really do not deserve them. I hope the day will soon come when the boys will all get fair play. I am a married man, with a wife and two children, on the outside. I have been here about sixteen months, and at present in the red suit. I have tried hard to get out of the red suit, but to no avail. On last fourth of July men that made much poorer reports than mine were taken out of the grade, but no show for me. At least, it looks that way to me. I have no hard feeling against any officer of the place, none whatever, but I merely speak the truth, hoping it will do no harm. Hoping to see fair play and fair judgment in the near future, I remain,

Yours respectfully.

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No. 624.

Elmira, N. Y., Sept. 26, 1893.

Dear Sir.— I have nothing against Supt. Brockway. He has always used me all right so far, and I have been here nine months,

but that man, the Col. Bryan, used a man more like a dog than anything else. I sent a report that I did not deserve back to have it investigated, and no more than I got inside the door he said I was a damn liar, and he would dash my brains out for me. I said, "No, colonel, I am not a damn liar." He jumped out of the chair and threw me on the floor as hard as he could. He said, "Damn you, I will chalk you in." Excuse my bad writing.

Yours respectfully.

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No. 625.

I have nothing to say.

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No. 626.

September 26, 1893.

Dear Sir.—As I come here in this institution I could not speak English very good. Nobody could understand me. I went in the red suit on the 31st of December, 1892, and stand seven months in it now. I been in the black suit. In that seven months I got reports. I could not see the general superintendent because he could not understand what I said, so I went five times in the bath-room, and he hit me so that I could hardly walk. My face was all full of blood, and you can see the marks to-day. All this I had for it while I could not speak with him. The same thing is to-day. I have one $3.00 report and one $1.00 report just for nothing, and I will get the red suit this month. I try my best to get along in here and go home.

Respectfully.

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No. 627.

Wednesday, Sept. 27, 1893.

Mr. Craig:

Dear Sir.—I have been here two years and three months and would like to have a little show for a first grade. I have been in the black suit nine months, all the trouble I have is in school. I have my ups and downs. I have been in little trouble since I have been here. I have got punished for it. It did not amount to anything. There are only ways I have to find fault with this place, is the spanking and the men that is in the place. If you please be so kind as to give me a show for the first grade, I would gratify happiness. I have no more to say at present.

Yours sincerely.

No. 628.

Sept. 27, 1893.

When taken down to the bath-room last January he gave me 32 raps across the kidneys on the 25th of the month, and on the 30th of the month he knocked me down and spanked me again and told me that he would kill me if I came down again. Two weeks after I was taken to the hospital and was there three months, and said that I hadn't got enough of it yet. I have had a hard time of it in the las two years and a half, and nothing but the inmates does keep us here. They will give us a report. The superintendent blows, then tells us that we are liars and he will spank for every report we get after that date.

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No. 629.

9, 26, 1893.

Sir.—My position is this that although the penalties I have suffered while imprisoned here have been severe, I have nothing to complain of, as I knew what I was doing and did what I did with my eyes opened. I reached while here the highest position of trust, that of an officer in charge of men, and violating said trust I was made to suffer the usual penalty, namely, reduction to the lowest grade, and while in this grade I done things that brought the greatest indignity upon me that it is possible for a man to suffer, but I knew what I was doing when I committed the crime that brought the indignity upon me.

Respectfully.

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No. 630.

26, 9, '93.

Hon. Oscar Craig:

Dear Sir.—I am getting treated all right, but one thing, and that is Mr. Brockway putting me in the red suit three times for school only. I am here three years and a half, and I have a 15 years sentence. He never showed me justice. He put me in the blue when I was here three years.

Oblige.

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No. 631.

Dear Sir.—I write to you of how I was used by the genl. supt. Well, he has taken me down to the bath-room and used

the strap on me most cruelly. I had pains in my back for three months afterward. Well, while he had me down there he threatened to put on the handcuffs, to string me is the way he called it, and then use the strap on me, and then another time he was going to beat the face off of me with strap because I wouldn't stand the pain of the strap. He ought not to beat a man across the kidneys. I know a man has to get punished, but not the way he uses you. This is all I have to say at present. From.

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No. 632.

Elmira Reformatory, Sept. 27th, 1893.

Hon. Oscar Craig:

Dear Sir.—I have no hard feelings against Mr. Brockway. He has treated me like a man, so one good turn deserves another. All that I can find fault with in this reformatory is about the meals. We don't get much, and what we get are not good, for a dog would not eat half the meals we get, so Mr. Brockway is about the best man that knows how to run this reformatory, and what you read in those other envelopes saying that he beat them most horribly is the people that deserved it. He is a good man for my part, and so for anybody that has got any sense at all, and I don't believe we can get a man as good, or if we had a man that was a slow, easy-going, old man the inmates in this reformatory would walk on him, so it is best to have a stern and strict man, so good-bye. He can have my vote for one, and anybody else that has got sense for another.

Yours truly.

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Vote for Mr. Brockway, Brockway, Brockway,
And don't send him away,
For the reformatory will go astray.
Then we will have to chew hay.

This is my vote for Mr. Brockway, Democrat or Republican will do me.

I like to write, but don't know how, so good-bye. Oscar, I hope you have luck.

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No. 633.

Sept. 26th, 1893.

Dear Sir.—I can not say much against this place. Of course, I was down in the bath-room. It was my own fault, and I

never want to go down there again. If I get as bad as I got before, I could not stand many such punishments. This is all I have to say, and it is the truth and nothing but the truth.

Yours truly.

To Mr. Craig.

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No. 634.

Sept. 26th, 1893.

My name is , and known here by that name. I had a chance to learn a trade in this institution and did so. I also had a chance to get an education, of which I done. I have been here nearly five years, which is my maximum sentence. I had two paroles which I lost both times, for my carelessness and tobacco, through my own fault. I was in the red suit for three months. I never was down to the bath-room for physical treatment since here. The superintendent, Z. R. Brockway, always used me well, and spoke to me as a father, always giving me good advice. I remain,

Yours truly.

P. S. I was on parole here as teamster four times.

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No. 635.

Elmira, N. Y., Sept. 26, 1893.

Mr. Oscar Craig:

I think that it is all the men's own fault. I have been in this place going on 17 months, and I don't think there is a man that goes to the bath-room without he has been in some crooked work, and you know that will not do in here. I think if that were myself I would not blame him. He has always done right thing by me. These men think that he is a bad man. They want to be tough men. That is my opinion of them. That is my way of thinking.

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No. 636.

Sept. 26th, 1893.

Mr. O. Craig:

Dear Sir.— At your request I will write a few words, but being a new man can not say much in regard to the place, either favorably or to the contract. I came here on May 18th, 1893, and

progressed as favorably as can be expected in a penal institution, especially a reformatory, where the discipline is so strict. There is one rule here which I think is unjust, and that is the reduction of inmates from the original grade to the convict or red grade for the lack of progress in study. I came here and was assigned to one of the highest classes in the institution and, not being accustomed to the course of study engaged in, I failed in my monthly examination, and the month following I received a notice from the genl. supt. if I did not make a perfect record for that month I would be reduced to the second grade, but fortunately, I made a perfect grade, so I can not say anything about the life in that grade. As my experience will not permit me to say any more, hoping it will be investigated to the general satisfaction of the community at large.

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No. 637.

Hon. Oscar Craig:

Gentleman.—I have nothing to say until I come out of this reformatory. I have only 14 days more, and then I can say what I have to say, and let the people see what they gave me in this reformatory. I can not write so much to explain how I got treated. If you please call on me some day I can tell you better than I can write it.

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No. 638.

Hon. Oscar Craig:

Sir.—You want to know how I am treated in this prison. I can not expect any better treatment than I receive at present, for I am in the physical culture class now. When I came here first I was put in the foundry, and I could not do the work, for it was too heavy for me. I went in a red suit and went to the bath-room and got punished three times, because I could not do my task. I went to the doctor and told him I was not able to do my work, and he said I was faking him, but at last I was taken so sick that the doctor put me in the physical culture class to pick up strength again. I was in the foundry about eleven months, before I was taken out. If they give me some light work now I will get along all right, and I will earn a parole soon.

Yours.

No. 639.

26, 9, '93.

Hon. Sir.—I am a United States prisoner, committed for two years, from January 21, 1892. Was reduced to the red suit in June, 1892, for unjust reports from inmates. Did not receive anything to eat except a ration of flour and water, with a potato or carrot in it, once in a while a piece of meat. No tea or coffee, no matter how cold the weather. Nothing but cold, dirty water. In January, 1893, was reported for looking in a citizen's cupboard for tobacco by an inmate. Taken down to the bath-room, was beaten with a strap (size, one yard long, and four and one-half inches wide) soaked in water, until my back was black and blue. A few days reported for howling out of room at top of voice. Charge investigated by Col. Bryan, and plenty of proof that the charge was false. Brought down to the bath-room, beaten again so that I could not lie on my back for three weeks. Refused to leave or write any letters to my people. My short time expired on the twenty-second of present month. Asked the superintendent why he didn't discharge me or when he was going to. Said he would see and let me know. Did not notify me. Still detains me here unjustly.

Your obedient servant.

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No. 640.

Oscar Craig:

Sir.—I was taken to that bath-room something around fifteen times. I was always taken there for reports. When I was in the gymnasium I received a great many reports wrongfully off the men who had charge of the floor there. I went up for an interview once to the superintendent and asked him to take me out of there, and he told me that he would not, and that I did not brace up he would send me home with a wooden overcoat, but when I did get out of there I did not receive many reports. He took me to the bath-room once for fighting, so he says, As I was working with a man and he wanted to strike me with a hammer, and I pushed the hammer and it just touched his face, and when I was taken to the bath-room I told the superintendent how it happened, and he would not believe me. He told me I lied, and with that he struck me with his fist, and then applied the paddle to me six times, and he put me in the red suit the next day. I laid in sick, but the doctor sent me out, saying I would be all right before the day was out. I never received a report since I have been here for crookedness. All the reports that I have received were for gaping about and talking. I can not very well explain myself on paper, but if I had an interview I could do better.

No. 941.

26, 9, '93.

Hon. Oscar Craig:

Dear Sir.— My statement is based upon the personal experience of a three months' sojourn here. I have been treated during that time not only as a man, but as a gentleman, i. e., in the sense in which the latter term is generally used. I think the moral and intellectual influences of the institution are very excellent. The oral instructions especially being of value, as being inculcated under congenial circumstances which tend to take away the distracting influences of the cell. The physical training as pursued here is, I think, also good, but I hold the opinion that the food to the lower grade men, second or third or lower first and second should be of better quality and served in a better manner. Of the upper first grade I know nothing. It would also be of immense benefit to all inmates if the rules of correspondence were modified so as to allow of more frequent interchange of letters between mothers and wives and inmates. The deprivation of these rights is a prominent factor of the discipline of the institution, and it would constantly add to their value as a determent of an infraction of the rules, the more the value of the prerogative increased. Two months is too long a time for a mother to wait for a letter from her boy or a wife to wait for a token from her husband, and it seems to be eternity to the unworthy object of their solicitude. He finds in them his only connecting tie with the outside world.

Respectfully.

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No. 642.

Elmira, N. Y., Sept. 27, 1893.

Sir.— I have not anything to say, but I think they should not put any man in the red suit for school. I remain.

Yours to command.

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No. 643.

Hon. Oscar Craig:

Dear Sir.— As I have been here but four months and do not know very much about the reformatory, I can not say that I have been ill treated or abused in any way, only with the exception of reports. I work in the foundry and do my work, which is pretty hard, and sometimes I have no ambition to do anything when I get a report. To know that you are trying to do what

is right and then have officers that came here the same as yourself to report you simply because they bear you a grudge, and it sometimes seems to me as if they give men reports because they feel like it. God knows I want to do what is right and go home, but I think if there is any trouble here reports are the cause of it. I know nothing about red suits, and do not wish to, as I was told when I came here in the awkward squad that if I got a red suit I'd be treated very badly. Hoping this is satisfactory.

I remain.

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No. 644.

Your Hon. Sir.—I am ready any time to be examined, and you shall find that I am telling you the truth, and another thing, a man that works in the foundry does not have time to wash himself one-half of the time, and when he comes out after doing his best to get his task up, he is met by a lot of officers who take pleasure in writing out reports, just as many as he likes. In one case I got a report for fooling in the ranks. I sent it back and the col. called me up to investigate it, but the officer's word was taken and I got a chocolate for sending it back, and that officer told the other officers to banner me all they could and they did. I will tell you, and the same officer told the col. that I threatened him and I got another chocolate. It is impossible for a man that is trying to get out of here, that is working in the foundry, because there is a report for you every night to read. Your hon. sir, when I first came to the reformatory I was suffering from self-abuse before I left home. I was constantly spitting up blood and was always complaining of pains in my legs, head and sides. I am sure that I have got the same complaint as my mother. When I came to this reformatory I was ashamed to tell Mr. Brockway of my trouble, but afterwards I went to see the doctor, and he thought because I was working in the foundry that I was lying to him, and he told me that I never done a day's work outside. That was the medicine that he gave me to take. I seen him three times, and it was the same thing every time. Your hon. sir, I wish you would see about this, as I still take pains in body. My father's direction is ..... And another thing, you are carrying iron until 4 o'clock, then you have to change your clothes and wash yourself and shine your shoes in five minutes, and if your belt and shoes is not shined the officer of your company reports you for it, and his word is taken every time. A man that is doing his best to get his task up and to get out of here is prevented by those officers who take pleasure in reporting you for nothing at all. This is something that happens every day.

Signed.

No. 645.

Elmira Reformatory, Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.— Wishing to say a few words in regard to the reformatory, I will say that while I have been here it has not been so very long, that is, from the sixth of July. I have learned as much as it was possible to teach me, and all I can say is that any man that minds himself will not be reported here. I have got considerable reports and have deserved them, but there is one report I do not think I earned fairly. And I would like to say one word in regard to the food, if it would please the committee for to see if they could get the food made a little better, I would be very much obliged, and I have no doubt that there are other inmates of the same opinion.

I remain, your humble servant.

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No. 646.

Elmira, Sept. 26, 1893.

To Hon. Oscar Craig, Chairman:

Sir.— All I have to say is that Mr. Brockway treated me like a gentleman since I been here, and I think he would treat the other inmates the same if they let tobacco alone.

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No. 647.

Sept. 26, 1893.

Hon. Sir.— I have three complaints to make, namely: First, Being compelled to learn a trade that I detest, and will not make any use of on the outside. Second. Partiality shown by inmate officers, and the feeling that is borne between inmate officers and their fellow-mates is the direct means of keeping many unfortunates here, an officer's word will be taken always before a private's. Third. The food here is unfit for men that has to do eight hours' work, and especially those that are in the lower grade, and having to work in the foundry. It consists of, for breakfast, meat and potatoes, chopped up together, called hash, a cup of water and bread. For dinner, soup that will not bear inspection by any State Board of Health and for supper, bread, molasses and a cup of water. I was reduced to the lower grade for not being able to do my task. After being reduced I was taken to hospital and kept there more than three months. My sickness was the cause of my being unable to do my task. I remain.

No. 648.

Tuesday, Sept. 26, 1893.

Dear Sir.—I have not much to write about the reformatory; I am here nine months to-day and have reached the upper first grade at the end of six months, by following the rules of the reformatory, and I haven't received any bad treatment to speak about.

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No. 649.

Hon. Mr. Craig:

Sir.—If there was no innate officers in this place it would be a reformatory, but as long as one inmate is over another there will be more crooked work going on than there will be reforming. I have been in this reformatory two years and could have been home a year ago if it had not been for the inmate officers. I will tell you how it is. Mr. Craig, if an inmate officer should give a man a report for nothing and the man should send it back, that officer would watch that man like a cat would a mouse, and he would report him for the least little thing, and if he did not get any chance to report the man he would tell some of his friends that were officers and get them to watch the man and report him the same, but if the man that the officer is reporting has got a chew of tobacco and will give it to the officer, the officer will not send it in on the man. I have had experience of this myself, and I am going through some experience of it now, and Mr. Craig, the bath-room here is uncivil. The supt. will take a man down to the bath-room for getting knocked out one month, and will almost kill him for nothing. I was not here two months when I was put in the red suit for fooling with a man in the shop. The man got mad and told a parole officer that was a friend of his, and had charge of the shop. The man told a lot of lies on me and the officer had me chalked in and the next day I got a red suit, and I was taken to the bath-room and spanked till the blood run out of my legs, and he gave me two black eyes and hit me over the head three or four times, and when he got through with me I could not hardly move. An officer had to button up my pants and put me in a room, and after I was in the room a while an officer came in to see if I needed a bath to wash the blood off of me. I tell you, Mr. Craig, when the supt. gets a man down to the bath-room he don't have no pity on you. He will hit a man in the nearest place he can reach.

Yours respectfully.

No. 650.

Hon. Mr. Craig:

I do not think it right to have one inmate over one another, for one man gets down on you and puts two or three more on you and gets you knocked out for the month, and two or three months after it, and when you are in a red suit they will give you reports enough to get spanked and then laugh at you after you come from the bath-room. I have had experience from it; I was in the red suit 17 months, and inmate officers kept me there. I have been to the bath-room and have been spanked, and know it is hard using that anyone gets that goes there, just for reports for talking to a man next to him in line.

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No. 651.

Sept. 26, 1893.

Hon. Oscar Craig:

Sir.— I have been in this institution for the past eight months and during this time I have had no fault to find with Supt. Brockway. I have found him willing at all times when deserving of help, to be helped by him and most cheerfully. I would be very sorry indeed to hear of the supt. leaving us on account of this trouble. There are to be found more or less among the fifteen hundred men in this institution (men) who if not kept down would want to run the place, supt. and all; and those are the men I will term the chronic kickers. They do things contrary to the wishes of the supt. and do everything but the right thing, then when they have run the length of their rope, and are called to account for their wrong doing, they heap all kinds of abuse on the supt. There are men in this institution whom no punishment would be too severe enough for them. I have to work among a good many of this kind, and know this from my own experience.

Resp. yours.

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No. 652.

Sept. 26, 1893.

Gentlemen.— I have been in this reformatory for the past nine months, and I have made a blue suit in eight months, and I think if school don't hinder me I will be able to make a parole out of this reformatory, as I think it is a very fair chance all the inmates receive while they are here, and I think everybody ought to make a parole, and that is all I got to say. I will close my letter.

Yours truly.

No. 653.

Sir.— I am here seven months and I can not say anything about this reformatory. I am in a blue suit now, and so long as I was here I never was in trouble. I think if a man looks out for himself he can get along, but I never was in prison before, and I do not know how it is only you get reported sometimes for what you can't look out for. If one of them sergeants gets down on a fellow, and then they report them most for nothing.

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No. 654.

Sept. 26, 1893.

Mr. Craig:

Sir.— Having been at Elmira since October of last year, and I have always had a good show to get on and do what is right, and I have succeeded in reached the upper first grade, and I am sure every one that try to get on are well treated here. No one could have been treated more kindly than I been since I have been at the Elmira reformatory.

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No. 655.

Sept. 26, 1893.

Mr. Craig:

Sir.— I have been at the reformatory since 6th December last, and since that time I have been treated all right, and have got nothing to complain about, and if I get along as good as I have been I hope to be out of here in two more months.

Yours truly.

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No. 656.

Sept. 26, 1893.

Hon. Mr. Oscar Craig, Chairman of the Investigating Committee:

My experience for the past two and one-half years in this institution has been very limited as regards ill-treatment of inmates. I have worked in diff. shops, and have my ups and downs, but the treatment I received was according to my behavior. I was reduced for the breaking of rules, but have worked my way up again, and am at present at good standing. I think the system this institution is ran by is a good one. I can state this by the

advantages which it has given me both mentally and physically. School has done me good, also military or physical training. The food is all right, also is clothing and etc. But hoping soon to be at liberty again, and become a good and honorable citizen,

I remain, respectfully.

P. S.— Notes which you may have received as regards bath-room treatment are most of them not so bad as they write, for I have been there and could not complain, as it was my fault.

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No. 657.

Sept. 26, 1893.

Hon. Mr. Oscar Craig:

Since my stay at the ref. all I observed and know about the treatment of inmates is in their favor. I have been reduced to the second grade on my own account. The food and clothing is O. K. The system of school has been in advantageous to me.

Yours very respectfully.

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No. 658.

Nothing to say.

Yours truly.

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No. 659.

Sept. 26, 1893.

Dear Sir.— The ninth of October of this year I will be here two years. The only thing that kept me here has been my schooling, being put too high in school when I arrived, but am now in the upper first grade and doing nicely and trying to get home.

Yours.

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No. 660.

Sept. 26, 1893.

Mr. Craig:

Dear Sir. — I am now in the reformatory nearly fourteen months. I got two reports which I did not deserve, and I deny them, and

the officer that gave me them swore that I was talking and warn me before the officer's words was taken, and I had to suffer with another report for denying them, otherwise I was treated all right and gain the first grade, where I am getting along first-class by minding my own business, and expect to be home soon.

Respectfully.

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No. 661.

Elmira, N. Y., Sept. 26, 1893.

Hon. Mr. Craig:

Dear Sir.— I am now in the reformatory two years. I got put in the red grade after being here four months for not getting along in school, and I stayed in that grade eight months just for school, hardly ever got knocked out, as we call it. I can obey the discipline of the place all right, but I fail once in a while in school, so it keeps me here, which I think is unfair, but I am now in the upper first grade six months, and think I ought to get this board, but I have not got six nines. I think I ought to go home because I am a married man and I have got a family to take care of. They have never found me crooked while in the institution. That is all I have got to say. I don't think they have done the square thing with me.

Yours respectfully.

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No. 662.

Elmira, Sept. 26, 1893.

To Hon. A. Craig, and Committee:

Dear Sirs.— On the 4th of February, 1893, I arrived at this reformatory, and have now served 7 months and 22 days. I have put my whole mind and soul in the discipline and I find the methods to make a man better are in the majority of those to make a man worse or even not to improve him. I, myself, have been treated not as a prisoner, but as one that needed instruction, and I really believe I have received it. I can not find one particle of fault with the reformatory and its rulers, but on the rather I am thankful for the means of reformation. Thanking you gentlemen or the interest you show to us inmates,

I remain, yours, etc.

No. 663.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.— My treatment while I have been here has been both just and beneficial, and therefore have nothing to complain of. Arrived here on June 7.

Respectfully.

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No. 664.

Sept. 26, 1893.

Dear Sir.— To me everything has been fair since I arrived here on April 25th last. I have suffered terribly, but only from the little annoyance to pride, and I look at that as part of my punishment.

Yours truly.

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No. 665.

Sept. 24, 1893.

Dear Sir.— I have no hesitation in casting my vote on the side of the present management of this institution. It was at the solicitation of my counsel that I was sent here, and I have had no reason, so far, to regret his plea.

Was admitted here on July 6th last.

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No. 666.

I came in March, 1891, was here three months when put in the red grade, staying into it 17 long months. The paddling I got I never count. The paddling I got in March, 1893, only 6 months ago, was four times in one month. I have never been nasty before I came here. Thinking to make the place in two or three years, but I am now forty (?) (?). I hope this will never hurt me, but if it do I know the dreary way. This is naughty but the truth. I have been spanked (?) (?) as I never forget in my life.

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No. 668.

Hon Oscar Craig, Chairman of Investigating Committee:

Dear Sir.— I beg leave to lay my case to you for further investigation, as a case of brutalism on the part of Mr. Brockway.

That is, no man should have been treated as I was in a civilized age. If you can favor me with an explanation to what I have said I wish you would do so.

Yours respectfully.

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No. 669.

Elmira, N. Y., Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.— These are the complaints I have to make, and they are as following: (1.) Last June I was in a crooked deal, and I was in a blue suit at that time, and I was promised if I would tell the truth that I would not lose my grade, and so I told all I knew about it. But he did not keep his promise, and so he put me down in the red grade in spite of me telling the truth. I think that was not right; so much for the first ans. (2.) That I have not been treated like a man these last six months, but I have been treated like a dog. I have been spanked so hard that the blood was running down my legs. Mr. Brockway said that he would kill me and send me out in a box. This flogging is the cruelest thing ever known. If I get a yellow report for talking I get flogged for it. That is not right to keep on flogging a man for what he has done six months ago. If I do wrong once and lose my grade on it I think that is sufficient for a man, but he keep on flogging a man for every report he gets for talking, that is not right. I have been flogged nine times in six months, from last January to June. I can show marks on my back yet, so hard have I been flogged by Mr. Brockway. That is was something horrible the way I have been treated lately. This is all I can express on paper. I could state a great deal more about Mr. Brockway and how he beated me, but I do not wish to do so.

I am.

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No. 670.

26, 9, '93.

Sir.— I have been in the reformatory nineteen months. During that time I have been in the "bath-room" but once. But in those nineteen months I have seen men come from that "bath-room" and they would behave themselves like men. The food which we get is all right, but they don't give a man quite enough of it. As far as everything else is concerned, that if all the other prisons in

this country give the prisoners the advantages as this one does there would be no cause for crime. And I don't think any man is the worse for having been to the "bath-room," but just the reverse.

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No. 671.

Elmira, 26, 9, '93.

Hon. Oscar Craig, Chairman, and Board of Investigation:

Gentlemen.— I can truthfully say that under the present efficient management I am perfectly resigned, and satisfied with my treatment.

I can not see how any one who is confined here and has the first instincts of a man, or of trying to be one, can find any just grounds for ill-treatment, either in punishment, food, clothing or its officers.

I consider, for the crime that I committed, that I am having it "very easy," and I hope, by my own actions, to win in the future the confidence and good will of all who hold an official power over me, not only here, but when I go forth, as well.

Respectfully submitted.

Have been confined here through the influence of my wife's people as well as my own since June twenty-fourth, 1893.

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No. 672.

As I have been kept here, in my estimation, six months longer than the rules of the institution called for were ideal justice given to me on some of the reports made against me, I have nothing but a high sense of admiration for the reformatory and its workings, for the superintendent, his character, enlightenment, care and time devoted to his work, his noble and courageous devotion to what seems an ungrateful task. The thought that I will not be deemed a hypocrite inspires me to express the strong feeling which he and his work excite in me. By the time this will be read I will probably have earned my parole; and I say it, who have also my petty grievances, the superintendent is one of the most wonderful of the most truly good and noble men I have met with or read of; and his institution bears the impress of his character. It is a burning shame that the insult should have been offered him of probably doubting the same. I have to communicate to the committee certain information regarding other inmates that it may be interested to hear.

No. 673.

Sept. 26, 1893.

Dear Sir.—I find that this place, in my own opinion, is not a bad place to send any young man, providing they behave themselves any way properly. I could not want anybody to give me a better chance than Mr. Brockway has given me and I know he will give any man a chance if he behaves himself any way decently, but one thing I would like to say is could not you or somebody else find a different way to punish us inmates besides this paddling business of his. When a man goes to get it and comes from it he is a fit subject for the hospital as there are men now in the hospital from it now, and if you could in any way banish this cruelty you would greatly oblige a great many men here now, and oblige.

Yours truly.

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No. 674.

Sept. 26, 1893.

Gentlemen.—I have nothing to say against Mr. Brockway at all and I am glad of it too.

Yours truly.

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No. 675.

Sept. 26th, 1893.

I have been treated as well as could be expected. So far as Mr. Brockway is concerned a man must expect a hard time if he makes a hard nest.

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No. 676.

Mr. Craig:

Dear Sir.—I have been here now two years. I think there is one flaw in the system of this institution, namely, we are all convicts and I do not think that one ought to be above another. If I am an inmate officer and do not like you it is in my power to put you in the red suit. I have tried my best to get along because I have an old mother to support. I being the only son, and only support of my mother. I do not think I have had a fair show here to get along. I have to get up

at four o'clock in the morning and work right along until seven and eight at night all the while exposed to reports and have to work three Sundays out of one month, still I have to pass in school the same as anyone that has time to study, which I do not. I have been flogged here which I think is not right. I am a man and would like to be used as a man, should not be like a school boy, otherwise I have no complaints to enter. I think Supt. Brockway is a gentlemen and tries to do what is right by us. I feel that my stay here has done me good.

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No. 677.

Mr. Craig:

Dear Sir.— Your request is to ask me to inform you of this reformatory. It is my pledges to tell you that I have only been here six months, and I am glad to say that I have been treated all right ever since I was here. The only thing that trouble me is school but I am glad to say I have a chance to learn more than I knew when I came here. I did not have any trade at all but I am glad to say now that I am learning a trade and I am getting along with very well if it was only for the rules of the reformatory, I could get along very well. I were expecting to go in the first grade the first of next month if it were not for school. I have been here six months and I have not been knocked out in reports. Now you can see how it is if you behave yourself here. That is all at present.

To Hon. Mr. Craig, from

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Mr. Craig:

Dear Sir.— I will ask you as I understand the general superintendent he says that he was going away and you would make a great change, and I will ask you if you please to look up my record and see what you can do for me. I have been here six months and you will find it good for all, but it seems now that I can get along better now I have been here a while. If you will see what you can do for me I will be more than obliged to you for your kindness. You may think why I can't get along in school is because I don't, but that is not it, for I sit up till the last bugle blows and it is time for my light to go out and then I have to go to bed. Not, sir; it is not because I don't study. I don't know what it is but I wish you would be so kind and see what you can do for me and I will be more than obliged to you.

Hon. Mr. Craig.

No. 678.

Elmira, N. Y., Sept. 26, 1893.

Gentlemen.—I have been in the reformatory now for 28 months, and I think that they have treated me well. I have no complaints to make about the place.

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No. 679.

I have been in worse places than this. When I came here four months ago I could not write my name. There is one thing I would like to have done and that is to have more onions put in the hash. I think that this is a good place to learn how to behave if a man tries to get along in this place he can do it very easy. I am glad that I got sent here in place of Sing Sing. If a man behaves himself here he can get along good, but if a man wants to be tough it is right to punish him and learn him how to behave when he gets out of this place.

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No. 680.

Sept. 26, 1893.

Sir. I have been paddled five times. I have received six blows across the kidneys, the first time and lost my grade besides. The second time I received five blows. The third time I received the same. The fourth time I received nine and two cuts across the head which was sore for quite a while. The fifth time I received a punch in the eye which caused me to have a black eye and seven or eight blows across the kidneys and posterior. I have been getting up at half-past four in the morning and working all day until half-past seven nights, when there are no school, and school nights until half-past six for twenty-seven months. I can assure you that I am the only man that has been getting up that long since I am here. I have asked the superintendent to take me off, and also to change my work. I have not been in the solitary, but I have seen men when they have been brought up and paddled and put down again for six or eight days. The treatment a man gets here is worse than Siberia.

No. 681.

To Hon. Oscar Craig:

Sir.—I am a new man here and have nothing to complain of and I know if any man does what he is told he will be treated the same.

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No. 682.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I have been here close on six months and I have made a perfect record each month, so I have given no one a chance to half murder me, as they have done to some of the poor fellows in here. Six or seven weeks ago they sent about thirty-five or forty half-dead men to State prison, to keep them out of the way of this investigation, that is going on now. There is where you want to look for evidence of Brockway's cruelty.

Yours truly.

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No. 683.

Elmira, N. Y., Sept. 26, 1893.

Dear Sir.—I have had the misfortune of staying in this institution for four and a half years, and have undergone a very severe trial. On the 29th of June, 1889, I entered, and on the 6th of August, 1889, I was reduced, and in September was taken to the bath-room and spanked with a strap three by three and one-half inches, which has left my kidneys in a very weak state. It was repeated very regular thereafter, and now there are abscesses on my face and neck, caused from my kidneys being weak. As to food, in the last four and one-half years I received on an average of about one ounce of meat in every two week, one quart of soup and in one week the same of stew and one pint of beans, all told, and everything you get is barely done. In all my time I have been the marker of some liar, who wished to go home, are afraid that if they don't report you they will be kept here, and they then pounce upon some unfortunate. If course there is a great advantage of learning here, both of trade and other, but there is a large amount of underhanded work done there also, and for every good point you learn you learn two the other way. I am sorry I can not write more, but no paper.

Respectfully yours.

No. 684.

Sept. 26, 1893.

Chairman of Investigating Committee:

Dear Sir.— The only objection I have got to make is about the food. It is horrible. It isn't fit for a dog to eat. They have a man in here that is in a black or red suit. I have been in both, so I know what it is. You get bread and water for supper when you are in the red suit, after doing a hard day's work. When you come in to dinner all you get is a pan of grease with a few slices of vegetables in it. On Sunday you get a pan of water and flour boiled together. On Thursday you get a pan with about a spoonful of beans in it, and they are about half cooked and cleaned. Worst of all is what they call hash, that we get for breakfast. It is sour and is only fit for the dogs to eat. One morning I found a large piece of soap in mine. Another morning some cockroaches. I have got a dog home that wouldn't touch it. As for treating me any other way I have been treated fairly. I know that the superintendent has done by me as fair as can be. He has given me every show in the world and I can't complain; if only I could get enough to eat I wouldn't have a word to say against this place. The men in the blue suit can't complain. They are the only men that he feeds well. They get their meat once a week. That is more than we black or red-suit men get. I haven't seen a piece of meat I could eat since I have been here.

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No. 685.

26, 9, '93.

Sir.— I have read in one or two papers about the cruelty at the reformatory, and can say that what it states is true. For myself I can say a great deal. I was reduced from the upper first grade to the red suit for a report stating that I was talking in school, which I denied. It was investigated by the colonel, who has no love for me, and did not give me justice. I complained to the superintendent and he had it investigated by the colonel again. I proved that I was not talking, but the proof would not be accepted. I asked the colonel why; he replied, saying he would believe the officer before he would me. I sent the report back again and was court-martialed for it and placed in the red suit from the blue for looking for justice. The colonel is the cause of a great deal of bath-room trouble here. I send you this note to show you that one lie told by an officer can imprison a man his whole time. I can not get justice now for the mean act they done to me. My time in the red suit is up in October. I want no justice now. I will get it some other time.

No. 686.

Elmira, N. Y., Sept. 26, 1893.

Dear Sir.— I can't say much about the superintendent. He did all he could for me. I hope he will let me home before December. I have only two months and three days more. I don't see how they can keep a man in this reformatory his full time. That is not right. If I went to another prison I had some short time and been home long ago. The punishment I received in the bath-room did not hurt me, although a man ought not to get punished; he is punished enough to be in prison without going to the bath-room. If I had anything to say about anyone here I would not be afraid to say it, because this is just the time. I am getting along first-rate. All I hope I get home before December.

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No. 687.

24, 9, '93.

Committee of Investigation of N. Y. State Reformatory:

Gentlemen.— You have asked me to-night to state the truth if we are justly treated and my answer is no. For there are five or six different reasons. The principal one is this. As you know we are not allowed tobacco as other State institutions, but the men get it by crooked means, and if they get caught they are chalked in. That is, put in an empty cell, and this on door, x x; that means chalked in. He is taken to the bath-room between one and two o'clock and there made to suffer the consequences. When he reaches the door the superintendent, P. keeper and store-room officer and two hall officers await him. The superintendent begins, "having tobacco, where did you get it all?" These words he drags. If the man claims he found it or some other excuse, and the superintendent don't believe it he is chased over to take his pants down and is beaten so long that by the time he is taken out half dead and will pretty soon be ready to go to his grave. I am not writing nothing foolish as you may think as I can prove it for the man is in the hospital, I think, at present. His name is "trouble." There is proof. Another thing next month is six months ago I asked from the board of managers a special parole or leave of absence until I regained my health, but was refused and in a short while after asked the superintendent personally and he told me it could not be. He refused me, but a man sound in body and good health grants him a parole. He never was before the managers; I, sick in body, an invalid willing to do the time that I had been

out merely to gain my health, was told I could get just as good treatment here as outside, but it is not true for I am worse at present than I was before I went before the managers. The man I refer to is Hertz, editor of the Summary. Another thing the food is something horrible and then we do not get food enough of it. The first grade men get more than enough. On Tuesday and Friday get meat when we merely get soup and not even tea. The second get no tea at all and never write or receive a letter. Please be so kind and grant me the interview as you have promised to grant men who asked for it, as I can show positive and swear he hits us on the body when he is spanking us. I remain.

They will sooner throw the food in the dirt or give it to the pigs than let us eat it.

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No. 688.

9, 26, 1893.

Dear Sir.—No complaint. Ask the men who have been sent to Auburn prison within the last two or three months.

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No. 689.

Dear Sir.—I hereby write you a few lines to tell you what I got to tell. I have not anything to say against the superintendent only when he takes me down the bath-room he beats me unmerciful and that is not right, I do not think. I have not anything to say against him, but that he ought to give up (flogging).

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No. 690.

9, 26, '93.

Hon. Oscar Craig:

As far as myself, I have nothing to say, but as it is said, "If you go to the place where the men are buried you will find more than one with stripes on his body and most likely murdered outright, as there is never no detail given of their death, and that anybody that dies in this prison they die in misery, but I think the State could furnish us with a little better grub.

Very respectfully yours.

P. S.—Besides all the men that are now at the insane asylum.

No. 691.

Elmira, N. Y., Sept. 26, 1893.

Dear Sir.—I now write you these few lines not having any bad feeling whatever, but there is one thing which I hope you will consider and that is that you will look into our food that is the red suit men, as you know that all we have to eat is bread and water and how the genl. supt. expects us to work in the iron foundry I do not know, and still he expects us to put up our task and if the men are not able to do it he will chalk them in and take them to the bath-room and spank and beat them as I have seen men come from that bath-room so they could not see and their backside was almost raw, so now that is all I have to say is I am a new man and am only here 7 months, but what I have said I will swear to before judge or jury. So, hoping you will look into this, I remain,

Your obedient servant.

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No. 692.

Tuesday evening, Sept. 26, '93.

Dear Sir.—I have not much to say. Of course, I am entitled to say something. I have been here about six months and I am in the red suit and I expect to go in the black the first of next month. I have not been punished but once and then I would not have got that if I had not deserved it, and I have been getting along very nicely and hope it will continue so I am going to try my best to do so.

Yours.

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No. 693.

To the Chairman of the Investigating Committee:

I have been confined in this institution for seven months or more and can say that I have been treated very unfairly in every way as I have been paddled five times for the loss of a dollar in fines. The superintendent thought I should get along without reports, but the men that done were not capable of taking care of themselves and were not worthy of the responsibility of giving men reports. When I was chalked in for the bath-room they laugh at me and gave me a report for a mere trifle. If you sent it back for investigation you will receive a first-class report of the col. for sending it back and the supt. will spank me for it.

I do not think the food is very substantial. I can say for

myself that I have not got a piece of meat fit to eat here since I have been here. We get meat once a week and when we do get any it is all bone of no substance whatever. The hash we are served with in the morning is almost all bread that has been picked up about the institution; 20 lbs. of corn beef; 30 lbs. of potatoes that are sour sometimes and old dirty bread about 30 lbs. or more. I have been there when it is made in water that is not fit to use. I think the food could be better.

Respectfully.

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No. 694.

9, 26, '93.

Mr. Craig:

Sir.—I desire to make a few plain statements of facts in response to your invitation of this evening. I have been through the much dreaded "bath-room" experience. I was severely beaten, was choked, sworn at and cursed. I was given a bath, and it became necessary to keep me in my room for three days before I was able to return to work, although I was not employed at severe manual labor. It has since transpired that the charge upon which this punishment was given me was false, therefore, the punishment was unjust. I was accused by a fellow prisoner of larceny. But it is not of myself I wish principally to speak, but of the cruelty given to an inmate who is unable to speak for himself. This is cons. No. 5355, Murray, who died in this institution during April last. I am willing to swear that his death was caused through the floggings which he received previous to its occurrence. I was foreman of the printing office at the time, and as Murray was employed in this shop, I necessarily came into contact with him. I should like to be allowed to hold an interview with you in regard to this case. I have often seen men emerge from the "bath-room" with battered and bruised faces, which were given to them during the so-called "spankings" by the superintendent and his assistants at these times. I am prepared to mention names, and state details more fully than can be done in this note. I believe the prime cause of all the trouble to be the fact that one inmate has authority over another inmate. The monitor now over me in the shop where I am employed is an inmate who was at one time under my control. You can readily see that for an injury, real or fancied, that I may have done him, he now has ample opportunity for retribution. Such a system tends to make spies and tale-bearers of the men and fosters a spirit of revenge in them. It is a common thing for an inmate officer to be told that he is not doing his duty (that is, he is not sending in enough reports). You can readily see that the

person in such a case is placed in a position to profit by others' wrong-doing, since his own release depends on his being "vigilent." The paroled men are more violent in their spirit of revenge than the inmates, as they know their authority is supreme. The scandal of the early spring among the paroled men shows the injustice to which inmates are obliged to submit from these sources. I sincerely desire that you will grant me an interview.

Respectfully.

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No. 695.

Hon. Oscar Craig:

Sir.—I have no complaint to make, for since I have been here I have met with no ill-usage. I wish, though, to offer a suggestion; the rules regarding the use of tobacco here are very strict, and severe penalties are imposed upon those caught with it. But spite these penalties, there are but few men who will not run the risk whenever an opportunity to break the rule is offered them. Men who have been on the verge of a parole have forfeited their prospects and been reduced to the lowest grade just for the sake of a little tobacco. I do not chew, but I do smoke, i. e., before I came here. I have had no chance since. And there have been many, many times that I have felt that I would be willing to suffer most anything, or make most any sacrifice, for the sake of a pipe full of tobacco. As for myself, I know that I would be far more contented than I am were the use of tobacco allowed here, as it is in other prisons, and I feel safe in saying that the other inmates would be the same. I am confident that all would do their work with greater care and more willingly than they do now. I think that all men, whatever their grade, should be allowed to write and receive letters at least once each month. Depriving men of this privilege not only punishes the man, but those of his family who regard him with love. In my case it is a widowed mother and I am her only child. I did all in my power to support her before being arrested. You can imagine the effect a letter from me has on her, better than I am able to tell. Hoping that you will consider and act upon the suggestions favorably, I am, sir,

Yours very respectfully.

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No. 696.

Elmira, N. Y., Sept. 26, 1893.

Dear Sir.—I have nothing to say about the place only I would like to ask if it is right to reduce a man for school. I went in a red suit for school a year ago. I tried my very best to

get along and I worked very hard to earn a blue suit and because I failed in school the first month I received a call saying that if I did not make a perfect rate for September he would reduce me and because I am only got a few years to do he says that he and us for a man being treated as under I think it is very wrong, and if a man you (?) a piece of tobacco and do not say how he got it he does got flogged and if you go to him and tell and it causes a great deal of trouble.

Very truly.

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No. 697.

Dear Sir.—I am one of those fortunates that has kept myself straight and complied with the rules, and therefore I did not give the management the least cause to bother me in any way or form.

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No. 698.

27, 9, '93.

Hon. Sir.—What I have got to say about this place is that some men gets a better show than others here, and that it is run by inmates that call themselves officers. If a man is not in the ring with them he gets a rough deal by it. They have the privilege of reporting men for the simplest thing, and if they do not do so they get type-writers from Col. Bryan, saying that if they do not attend to their duty, send in more reports, that he will reduce them to ranks, and for that reason men are sent to the bath-room more times than there is need of. I have been working hard myself for the last two years in the foundry, and I see that the men that works there gets the worst of treatment. I had to work and do my task for four months when I was in the red suit, on bread and water. I got type-writers for the bath-room for physical treatment, and I was not able to do my work on that food.

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No. 699.

Elmira, 26, 9, '93.

Sir.—All I have to say is about the eatables that we get here. I have been down into the red suit for three months and the only thing we got was bread and water and a little molasses for all three meals, and for dinner a little soup that was not

fit for a pig to eat, more like a human person, and I have got two or three calls for the bath-room because I was not able to put my task up in the foundry so he had taken me down into the bath-room and said that I would have to do my work or else take the physical treatment from the strap or else the rubber hose, and then he said, "Go out now and do your work," with a slap in my mouth. And another thing is the Col. Bryan. I don't think he is fit to be amongst a lot of gentlemen. He is a sneak, what other people would call a sneak thief outside. He goes around boxes and corners trying to catch anyone talking or doing something else. He had caught me talking to a man in a cell. He had fined me three dollars for it. If it was somebody else they would only get 30 cents on the neck for it. I think if I had my say I would throw him out and keep the general superintendent.

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No. 700.

27, 9, '93.

Hon. Sir.—I take the pleasure to tell you of the satisfaction that I got from the general superintendent when I went to see him one night about a report that I got, and did not think that I deserved it. It was in the month of June, 1893. I was a third sergeant and was doing duty of the north block locking the men up in their rooms, and one of the men spoke to me about his conduct book and I told him to write to Mr. Woolley about it. Mr. Murphy, one of the officers, was on the guard-room floor and seen me step by the man's door and he called me up on the floor and asked me my name and number and said he had a good mind to lock me up and the next night I got a one-dollar report for talking to a man on the gallery and I went up to see the general superintendent about it and he told me to get out of the office, that I had no business coming up to see him about reports, this being the first one-dollar report that I ever got since being in the reformatory 18 months. Do you think this is fair treatment?

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No. 701.

Hon. Oscar Craig, G. R. F.:

Dear Sir.—I have nothing to say, because I have been here only a short time.

Yours respectfully.

No. 702.

Elmira, Sept. 26th, 1893.

Dear Sir.—As I have only been here since May 19th, 1893, I can't say anything. I don't know what you want me to write about anyhow.

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No. 703.

I would like to see you very much to tell you how I am.

Penmanship.

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No. 704.

Oscar Craig:

Written conscientiously, and without any partiality and independently.

Sir.—In response to your request, it affords me very great pleasure to say that during my confinement in this institution, which is about three months, I have always found the superintendent of this reformatory to be a conscientious man. I do hope to gain much useful knowledge before I leave this place. I may say I have already started, and I shall always be able to say "Brockway" made a man of me. Regarding the system of this place, "it is absolutely perfect." Of course, there are things occur once in a while, but if "we" all remember that the superintendent has nearly 1,500 men to deal with, why, I don't think there would be many complaints. Personally, as far as Z. R. Brockway, Esq., and myself are concerned (up to the present) I have the highest regard for him, and hope he will come out victorious at the end of these undoubtedly infamous charges. I wish him all he wishes himself. Now, I must say this, that I do object to the inmate officers having so much authority over the prisoners, and it is my candid opinion that this is the prime reason of all the trouble. I can explain this at length, did space permit, but suffice for me to say that I think a change in that direction would pretty near satisfy all concerned. I might say that my work, my study and trade, or at least profession, which I am learning, are all to my benefit, and I am perfectly satisfied as far as all that goes. Of course if it came to choosing, I would like to see tobacco introduced in here, which I think would be strictly proper. In conclusion, will say that I hope you will reach a just verdict, and I think, after all has been said and done, there will be no cause for a change, and we shall still retain our "Uncle." Don't forget the

inmate officers is my objection, and I think I voice the sentiment of all the others. The rest of the management is complete and perfect.

Respectfully.

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No. 705.

My Dear Sir.—I think I have been unjustly treated on three occasions, namely: On the 5th day of January, 1892, I was reduced from a blue suit to a red suit simply on an inmate's word, and I made give in to the thing I was charged with, when the man who charged me with the offense was in a red suit my word ought to have been as good as his, and just one year later I was reduced again from a blue suit to a red suit, because an officer smelled smoke in my room, and I happened to be in the room at the time. He did not search me nor the other man at the time who was in the room with me. They did not do anything to the other man, but if the officer had done his duty and went through us he would have found out who was smoking. No, they had me chained down in solitary confinement, and then taken down to the bath-room and paddled till the blood came down my back, and then, because I would not give in, I was put in chains again and brought down to the bath-room the next day, where, to save myself from another flogging, I gave in I got the tobacco from another party, and my sister informed me she gave Mr. Brockway news of my father's death last February, but I never heard anything about it till I got out of the red suit in July. I have marks on my body yet from the paddling I got. I wish you would have a fair investigation of the last offense I was charged with, and see if I can not be found innocent. The man is here yet. He can prove me innocent if he will. He would not do it then because he was in a blue suit himself. So, hoping you will give this your earnest attention and that I will receive a reply, I remain.

Respectfully.

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No. 706.

Sept. 26, 1893.

Gentlemen.—I would like to say that I am in favor of a little better food that we are receiving at the present time. Very often I have received in my ration a piece of badly tainted meat, and also in the soup we receive on Tuesday I have found bed-bugs, cockroaches and sometimes maggots. Better food will be very acceptable.

No. 707.

Dear Sir.—I have a few words to write to you, the truth and nothing but the truth. Here last February I got reduced in grade for little or nothing. I was innocent of the offense they had against me. I was up in the highest grade, near going home. They put me back in my grade so it will take me very near eighteen months more to make my way out. Just because I would not say I was talking to a man next to me in rank. I am innocent of what they charged me with. Outside, I would have to do something very bad to give me 18 months more to stay in. I have tried to do the best I know how since I have been in here. Our food is something terrible. If you could only see half what is going on in here. I don't blame the superintendent for it at all. It is all the man's fault whom they call the Col. Bryan of the military. He is all to blame for everything. I have been in here two years and I think that is too long just for little or nothing. Don't amount to as much as picking up a pin. The man that they call Col. Bryan is to blame for it all.

Yours truly.

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No. 708.

Elmira, Sept. 26, 1893.

Hon. Oscar Craig:

Sir.—As requested, I make this sworn statement to your committee. It is like a God send to me, as I trust I may receive justice at your hands. I was received here Feb. 10th, 1888, paroled Feb. 6th, 1889. For not reporting and leaving my situation I was returned here in July 10th, 1889. I wish it here understood that I committed no crime while on parole. At the time I was returned I was employed with the New York World under name Louis Cole. This returning me here is a case of pure railroading a man to a life of misery. I was taken out of bed six o'clock in the morning by an officer who was employed here named Hilderbrandt, who took me to police headquarters, and at nine o'clock the same morning brought me up here without bringing before a police justice. In fact, I went through no form of court. This, as you know, is illegal. From the time I was brought back I was subjected to great injustice. From July 10th, 1889, to August 22nd, 1889, a period of 42 days I was put in "rest cure," a punishment consisting of solitary confinement, on two meals per day, no reading matter, and part of the time with the screen door closed on me. In the latter part of August, 1889, I was paddled for not taking castor oil. Six strokes, and a curse with every one. To describe this beating would take up too

much of your valuable time, and no doubt you already know what it consists of. When I was taken out of the punishment chamber I received a kick from one of his ruffian officers. After this time I was placed in the shop with an inmate who had full charge, but who was not fit to take charge of himself. He fooled with the report system, often issuing them for a joke, saying, jocosely, "I think I will square myself," an expression often used by inmate officers. The result of such reports was, that on June 25, 1890, I was transferred to Auburn State prison, where I remained for twenty-two months. During that time I earned the good will of Mr. Durston, who was then warden, and through his recommendation the warden here had me returned for the purpose of my securing an early release, and he expressed his opinion in the letter that I would live at liberty without violating the law. I think that opinion is as good as Mr. Brockway's. I was returned April 2, 1892, and for eleven months I maintained a good record, when suddenly an exaggerated report was issued against me, actually a tissue of lies, intentionally, no doubt, as the facts never warranted it. I was charged with falsifying my own "memo." book, a book which I was at liberty at any time to destroy. A verbal statement from me on this fact will no doubt show you how absurd the charge is. For this I was reduced from the highest to the lowest grade, which means a detention of seventeen months. I am now here five years and seven months longer than it was ever intended that I should stay by either the judge or my prosecutor. In closing, please grant me an opportunity of appearing before you, as I have several more statements to make. This privilege of writing you, gentlemen, is very good for those who can do so, but there are several hundred illiterates here who can't either read or write, who have had cruel punishment inflicted upon them, but are now unable to express themselves on paper. Their only salvation is that you interview them, if this investigation is to be thorough. Pardon me for using more paper than was given me. Trusting you will grant the desired interview, I remain,

Yours respectfully.

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No. 709.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—It is almost needless for me to write, because I am a new man. I have been here five months, and in that time I have not seen anything wrong in the management of this place. I have been used well, or as well as a prisoner could expect. Of

course, it is not like home. I am making nines every month, and expect to leave here soon. Mr. Brockway, I believe, will use all right if they do what is right, and keep out of crooked deals.

Yours respectfully.

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No. 710.

Mr. Craig:

Dear Sir.— I have been in the institution nine months. Was three months in the red grade, but it was my own fault.

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No. 711.

N. Y. S. R., Sept. 26th, 1893.

Hon. Oscar Craig:

Sir.— Have been confined in this institution for past six months and have thus far made a perfect record. I have received very few reports only one that I did not deserve, which was promptly canceled as soon as it was investigated. Personally I have no complaint whatever to make, as I think I have been treated kindly and fairly, considering my being a prisoner. I find no trouble in making nines. Regards to the superintendent's injustice or cruelty, I will conclude by saying, "Where ignorance is bliss 'tis folly to do anything that calls for a trip to the bath-room."

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No. 712.

Sept. 26th, 1893.

My Dear Sir.— Conformably with your remarks to the inmates, I have this to say: I have been in this institution but a little over two months, and must say that I regard the general conduct of the affairs of the institution very badly managed. First of all, my first week's experience here was enough to discourage me. As it no doubt does to many others who are put into the squad. Reports are administered by an inmate who evidently has no regards for a man's liberty, and he lets them fly just as often as he sees fit. I do not consider this just. Take a man like myself who has worked with a pen for eight years steady and never accustomed to any hard work, and make him at once go through the exercises which this institution desires, it is simply impossible. Moreover, I do not consider it proper

that inmates should be allowed to report fellow inmates, as in the event of their forming an ill feeling towards a certain inmate, it will undoubtedly be the means of longer detention owing to his reporting such inmate.

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No. 713.

28, 9, 1893.

Dear Sir.—I came to this place in the year 1891, five months after my commitment to the reformatory. I was subjected to physical treatment for having too many reports. I went again for making an improper reply to a sergeant. Then I went again for reports in 1891, and I went again for tearing three gores of an umbrella. When I came to this reformatory I was but sixteen years old. When I was here one-half year my health began to leave me. Ever since then I am in bad health. I have been in physical class six months and six weeks in the hospital. My whole term is two and one-half years. My term of sentence will expire December 12th, 1893. When I came here I could not get along on account of school. I asked to be lowered, but could not get it. Then I remained in the red suit eighteen months. Then six months the second time.

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No. 714.

Sept. 26th, 1893.

Hon. Oscar Craig:

Dear Sir.—I am thankful that I had the good fortune to be sent here. I believe Mr. Brockway to be an honorable and just superintendent, one the people of New York State and the inmates of the reformatory should feel proud of. I am sure he has more of the inmates as friends than otherwise. I hope this investigation will prove it.

Respectfully yours.

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No. 715.

Tuesday, Sept. 26th, 1893.

Dear Sir.—I have been here at the reformatory. Sent last March. I heard a good many stories from bad men, inmates, but I do not believe a word they say. I have been treated and square, like a gentlemen by the general superintendent and his officers.

Yours truly.

No. 716.

Sept. 26th, 1893.

To the Investigating Committee:

Gentlemen.—What I have to say against the superintendent of this institution is not of a very serious matter, but I think I have been unjustly treated. When I came here I was put in the lower first grade from which I earned my promotion to the upper first grade in six months. The third month I was in this grade (namely, October, 1892), I received a second-class report from another inmate, who was on parole here, for a thing I never done. I had a whole crowd of witnesses besides myself who were officers. I myself being a second lieutenant, who were willing to swear for me, but it did no good, for I received three first-class reports for trying to get justice. I saw the superintendent about them and he told me that they would not hurt me, and that he could not cancel them without putting this parole man in the red suit. I asked him if they would interfere with my going before the January board of managers, and he said if I made a perfect record up to when the board met he would put me before it. I made a perfect record but I got no board. By this time I had been promoted to a captain in the military, and I had charge of the awkward squad. Soon after, on Feb. 28th, 1893, I was taken in and accused of having received a chew of tobacco from another inmate. The man that tried me was ex-inmate Halpin, who was lieut. col. He had me taken down and searched and then put into the reception cells, where I was kept for 30 hours. I received three slices of bread and some water while there. I was then taken up and locked in the cell for nearly 48 hours. Then put me into the red suit. I was in the red suit three months and received bread and water for breakfast and supper; dinner, I received same as black suit men, only no tea which I think is rank. The charge against me was never proven, and as Halpin said, happened six or eight weeks before. One man who had not a record as good as mine and only a private in the ranks made the charge. I should think if I done anything great I should be given a fair trial, but I was not even given a hearing. I saw nobody to whom I could make an appeal until I was in the red suit, and then it was too late. The man Halpin had personal spite against me, and as he told me the day I was taken in, that I was going to be put in the red suit, he told me that a word from him to the superintendent would save me if I would say I received the chew of tobacco. Now, if I had received a chew of tobacco, I simply broke a rule, and as Halpin said I would only receive a second-class report. If chewing tobacco is so serious why do visitors be allowed to come in, as it was from a visitor

that this man said he received it. I do not think it right that any man should be sentenced for 15 months for a chew of tobacco, even if he did receive it. I am now 20 month here, and I do not know how many more I will be here. I think that rule should be stopped, and also the giving of so much authority to inmates, and that red suit men receive tea and coffee and that all receive better food. Hoping you will give my appeal and complaint your careful consideration, I remain.

Your faithful servant.

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No. 717.

Sept., Wednesday, 27, 1893.

Hon. Oscar Craig:

Sir.—As far as it concerns me, I have nothing to say against this institution. That is all I have to say. I remain, one of the inmates.

Name .....

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No. 718.

Elmira, N. Y., Sept. 26, 1893.

Mr. Craig:

Dear Sir.—I would like to have a few words regarding this investigating. I was down in that bath-room, as they call it, for at least a dozen of times, and got pretty well paddled on my bare pelt with a belt about three inches wide, and every time that I got hit I would get knocked down off my feet on to the floor, and then if I turned my head to try and ask to be excused, after getting a good drubbing, I would get it over the face and eyes. If they only gave a man solitary confinement for a day or two for the offenses they punish you for here, it would be just as good. I have a body full of boils and pimples, and all over my back and legs, and I can't get but very little attending. It is not worth while to go to the doctor for what I do get. I can't hardly sleep some nights, they are so troublesome. My face is a sight, with carbuncles and pimples. Of course I could say a great deal more about other people I have seen getting treated in here, but I guess everybody has got a little or enough to say for themselves, so as this is as much as I'll say, I leave this thing to your better judgment.

Hon. Oscar Craig, of the State Board of Charities and Correction.

No. 719.

Sept. 26, 1893.

Dear Sir.— Is the fault I have to say, that the eating we get is very bad, and do not get enough for the work we do, specially the Sunday dinner, water and some kind of soup, enough to make a man sick. The only best day is when we get anything good to eat is on Monday and Thursday, and get water three times the week with our dinner. We ought to get better meals than we have had. Another thing that I have to complain about, is that the inmate officers has too much right, and I would like to know if a citizen officer has any right to hit a man? I was hit from one four months ago. The only thing I have to complain about is the eating, and the officer in here. I never was beaten from the superintendent, because I have seen too much of it, and that is the reason I keep myself straight. I am in this institution near twenty-two months, and never been near the bath-room. My time is not so long to stay here. I have only a little over seven months to do yet. I have told you the truth, and always spoke the truth as long as I am in this institution, and never got any credit for it, but I hope that I will get credit for speaking the truth to you.

Oblige.

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No. 720.

Sept. 26, 1893.

To the Investigating Committee:

Gentlemen.— The only cause I have for complaint is the food we get. It is of poor quality, and not always in the cleanest condition. Aside from this, as Shakespeare says, "All's well." I have been in the red suit, and do not consider that I was put there unjustly. It was my own fault, as I did not feel inclined to obey the rules of the institution.

Yours very respectfully.

To Hon. Oscar Craig, Chairman.

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No. 721.

Mr. Craig:

Last summer there was an officer here who had something against me that I got so many reports, that were false, that I went up to see the supt. about it several times but instead of his seeing about it he took me down to the bath-room and

spanked me about nine times, probably more, for I don't remember. One day I sent back a report to have it investigated, and I proved that I was not guilty, but got the worst of it and always before and after that, as soon as the officer was on parole I was able to make a promotion to the lower first grade, when I get a report that I do not deserve and send it back he will give me a first-class report whether I am guilty or not.

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No. 722.

As an inmate of this reformatory I can safely say I have seen nothing in the five months I have been here that hadn't been strictly right in regard to the rules and regulations governing inmates. Any demeanor or labor reports that I have received which here, in every instance, I have deserved them.

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No. 723.

Elmira, N. Y., Sept. 26th, 1893.

Sir.—I have been at the reformatory three months and have had no bad treatment. Every one who is half a man and attends to his own business can get along all right here. Reports do not bother me, for I have only got one for talking since I have been here. Anyone can learn a great many things here. All I feel bad for being here is because I am not guilty of what I am sent here for, and have a good home and there never was anyone that could say anything against me.

Yours respectfully.

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No. 724.

Sept. 26th, 1893.

Dear Sir.—All I got to say is, see about that bath-room. It is something terrible. Also, I can't eat the food I am getting.

Your obedient servant.

P. S.—Afraid to sign my name.

Elmira! Elmira! they break your nose
And they give you red clothes.
At Elmira, Elmira, I'll never come here any more.

No. 725.

Dear Sir.—I am very thankful that I can explain to you that since I have been in the reformatory that I have been treated like a man in every respect, and as before I came here I was told that it was a very hard place, but as far as I can see it is what I should call a very nice place for a prison, as I have no experience in prison life, so I am thankful that I was sent here and that I know that I can learn a good trade and be a man when I leave here. Hoping that I may leave soon as I can, for there is a friend at home awaits me. I will close.

Yours truly.

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No. 726.

Elmira, N. Y., Sept. 27, 1893.

Hon. Mr. Craig, Chairman:

Dear Sir.—I have been in the institution for ten months, and have worked hard for a parole, but was reduced to the lower grade or red suit on June 1st last, and have just been promoted to the black suit again. I was reduced on the charge of throwing a piece of bread at an inmate, and as I was not guilty, I denied the charge, and was taken to the bath-room and received six lashes by the superintendent, and while in the red suit my poor father and mother came to see me, and were allowed five minutes for a visit. Gentlemen, I can stand it to take a whipping, but because I have made a mistake, must our parents be made to suffer for it? Will you please show why a man who has been reduced to the red suit it not entitled to the same food and clothes as any other inmate? I do not think the laws of our country will uphold any such actions. This institution looks very well to a person going through it, but to an inmate it is very different. The superintendent, Mr. Brockway, when speaking last evening, said he would cancel a mistaken report, and it may be true, but I know from experience he does not always consider them mistakes. Mr. Mitchell is the gentleman who reported me, and I say he did it wrongfully, and he knows it to be a fact, but I can do nothing. I was going in the blue suit at the very time it happened. Gentlemen, I will now close, and would like to have you show this letter to Mr. Brockway. I remain,

Yours respectfully.

No. 727.

N. Y. S. Reformatory, Elmira, N. Y., 27, 9, '93.

Gentlemen.—I herein state these few facts for the benefit of myself and others concerned. I have been kept here mostly on account of my education not being of the best. I have always been treated as well as the circumstances would allow it. I have been sick most of the time since coming here, and I went before the board of managers in July to ask if they could send me home on a special parole, because I have as good a home and good parents as anyone would wish to have, and I know that I can do what is right, and am certain of it. I have been here now two years and a half, and do not seem to grasp the situation very well. I believe I have received some three dollars or four dollars worth of reports since I have been here. My parents need me home very much, and I can not go to them. I know that I shall be reduced to the new second grade the first of October, because I failed in my school, and I should like to be promoted to the upper first grade so that I can go home. I can not get in it to save myself. It is very hard to live this way. I have the catarrh very bad, and do not enjoy life very well, and wish to get out of here so to get cured of it. My parents' address is .....

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No. 728.

Elmira, N. Y., State, Sept. 26, 1893.

Mr. Oscar Craig:

I write you these few lines to let you know that I ain't here long enough to know much about the place, but I got more reports and I don't know what I got them for. That is all I have got to say.

Yours truly.

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No. 729.

Dear Sir.—My experience in this institution has been a sad one. I have been four times in the red grade. The third time I was reduced was somewhat in this fashion: I went to the storeroom to get a coat. The storekeeper, who is now the principal keeper, gave me a coat which was too big for me. I asked him if he would not be so kind as to give me a coat to fit me, to which he replied that a God damn convict like me ought to be sat-

isfied with anything, and got a hold of my throat and hit me in the face. When I wanted to defend myself I was thrown on the floor and beaten by this man and three of his assistants till my face was all black and blue. I made a complaint to Mr. Brockway but it was not taken notice of. Two days afterwards I was put in the third grade. That is the satisfaction I got. About two months after this, about the 20th of May, 1893, I was called for an investigation of a report by the colonel. He told me to tell him all I knew about the report, and whether I deserved it or not. When I told him that it was all false he called me a liar, I replied that he was once twice as big as me. Then he called two other officers to take me in. I wanted to know what I did that I should be going in, to which he said, "I'll show you. Lend a hand over here," he says to the other officers. Then they all jumped onto me and kicked me all over the floor. When I could not move I was taken and put in the solitary, and kept there for a whole week chained to the floor and fed on bread and water. At the end of a week I was taken out to the bath-room to see Mr. Brockway. He said he would like to give me a taste of the strap, only that I was done up too bad. He said he would let me go this time. I was flogged six times.

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No. 730.

Sept. 27th, 1893.

I have now been here very near a year, and have tried hard to get along, but I could not make any headway at first, because there was some inmate officers that were over me and they would not give me the same show as other men had, to earn a blue suit, because I did not put up with them, but I have now got five nines and a seven with this month, and have lost two nines before these, by getting a $3.00 report, and I am trying my best to get along, and have not got a report for over two months, and I wish that my record would be looked over. If I couldn't get in the first grade this month.

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No. 731

Sept. 26th, 1893.

Genl. Supt.— I can say nothing about you or about kindness because you don't have no trouble with me. I am near the first grade but one thing, I am under 75 cent reports this month.

No. 732.

Elmira, the 26th.

Mr.— Please grant me an interview and I will tell you the holy truth about me.

Respectfully.

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No. 733.

26, 9, '93.

Hon. Mr. Craig:

Dear Sir.— The genl. supt. has used me all right while in his care. I was only in the red suit once, and to the bath-room once, and that one visit to the bath-room was enough for me. He told me to call again, which he never had the pleasure of seeing me in that place again.

P. S. But I do not speak of other ones. Some have been treated hard, and oblige.

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No. 734.

Sir.— Since my time being in the institution I have received harsh treatment. I have been flogged twice in the one week and was accused of doing things which I knew nothing about, both by supt. and col. and still can prove my innocence. I have been put to work when I was sick and deprived of my meals. The place where I work I swallow dirt and can not prevent it, and am not provided with means to save the dirt getting into my stomach. I wish you would view the place called the mill-room. When I was working in the cane-seat department I was put on a task which I could not do, and the superintendent sent me a typewriter that if I would not do the task I would get into serious trouble, which I did. Once when I was flogged I stood up until I could stand no longer, and when I turned around to speak to the supt. I was dealt a blow between the eyes, and I ask if it is right. More to say.

From.

To Hon. Oscar Craig:

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No. 735.

Elmira, N. Y., Sept. 26, 1893.

To Hon. Oscar Craig, Chairman of Investigation Committee:

Dear Sir.— As I understand this matter to be a personal one, in fact, an investigation where each and every one could state their own grievances, I will say conscientiously that I have

experienced no ill usage at the hands of the managers or superintendent. Perhaps, I look at the matter in a different light than some of the other inmates. I feel that we have committed a crime, and can not expect to be treated as citizens. If we had all the delicacies of the season and were treated like lords in prison, why our prisons would be filled to overflowing capacity. Of course, it is hard for a man to come from a good home and table and settle down to a reformatory life, but perhaps it is best for a man to have those things happen in his life, and be deprived of his liberty, so that he may know what to do and how to appreciate it on regaining it. I would be doing an injustice to state on mere hearsay what I know of the methods of the institution. For my motto is, "Seeing is believing," and as I have had no ocular demonstration of the rumors that have reached me, why I, of course, would not make any statement in regard to the institution or management thereof. I will close, leaving the matter of statements to be made to inmates that have been here much longer than I, and can talk from experience.

Respectfully.

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No. 736.

Hon. Oscar Craig:

Dear Sir.—I have not much to write, but what I write is what I think is not right. I think if a man behaves himself and tries to do his work right, he is all right, but I don't think this reporting business is right, and I don't think this failing in trade and drawing school is right, and I do not think the labor report is right. If the flood man dislikes you in the shop he will give you as many reports as he feels like and you can not say anything. Now, I will call your attention to the food we get. I don't think a poor man would give it to his dog. It is bad enough to eat the food, but when you find insects and dirt in it you do not feel like eating it. I would like to write more but I have not enough paper, so will close, hoping that you will see that we get better food, and hoping that you will make a better change in the reformatory, I remain.

Yours.

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No. 737.

Sept. 26, 1893.

Dear Sir.—I do think that this is not a fair investigation. You let the old fellow pull the wool over your eyes, as well as the public. He is so cunning, he has kept me here twelve months

longer than he had a right to do. I was in the first grade twenty-two months, and had a perfect record before he let me go home, and to let a man live on bread and water for twelve months just for failing in school is an outrage. (?) ought to look at those little thing here. The other day he paddled a man, on Thursday, and the man was found in his bed dead the next morning. He has been sending men away to States prison this last five months, that knew everything against him to knowledge. For the last three and a half or four years he has been paddling men to death. There is a young fellow that came here with me that he had in the bath-room twenty times. He has fractured his spine, so that he will never do a day's good, and several that have died from him paddling them. The man above to how I speak of that got paddled Thursday and the next day was found dead, his name is Trouble.

P. S.—I can not state all that I would like to say, for he has limited my paper, and one-third of the prisoners can not write the A, B, C, and how are they going to give you a statement? They are the ones that went there the most in this place, and you will not get half of those envelopes that are writing to you. There are 1,400 men in this place, and every one will write to you. This is all I have to say. If I had more time and more paper I would say more. The doctor covers up all that he kills for him.

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No. 738.

I haven't got any fault to find, although I have been in the bath-room, but that was my fault, not the genl. superintendent's.

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No. 739.

Tuesday, Sept. 26, 1893.

Sir Craig:

A few lines to you I will write, letting you know that I am getting along very well while at the reformatory, although I could not get a nine in four months. I am in the lower first grade. Mr. Brockway helped me along. He did for me what he could do I would like to ask you if I could receive a picture from my sister's baby, as she would like to send it to me. I am very glad to say that Mr. Brockway never had any trouble with me. I try to do my best, but when I came in this institution I was but in a high class in school; now I am in a lower class, and I think I can get along very well, although I am getting along in my work, and I try to do the same in all.

Yours truly.

No. 740.

Sir.— All that I can say about Mr. Brockway is, that he has treated me like a man, and I do not see as I can complain about him, as I have brought this punishment upon myself. If I had lived up to the rules I would now be a free man, making $4.00 a day at my trade, so I can not say anything out of the way, but hope that the good work that the superintendent is doing will continue going on. This is from a man that has his ups and downs in the reformatory for over a year and a half.

Yours truly.

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No. 741.

I have been used right. I have no fault to find in the house. I would like to get sent to a better place. I am too little to be in this place. I am here two months and have been worrying since I have been here.

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No. 742.

Sept. 26, 1893.

Dear Sir.— I have no fault against Mr. Brockway. I am in the reformatory one year and half and he has always gave me good show since I am here. He is a good man.

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No. 743.

I am perfectly satisfied with the treatment I have received while here and have not any reason whatever to complain.

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No. 744.

Sept. 26, 1893.

Dear Sir.— I write these few lines to you in regard to my being reduced last November from the upper first grade with four nines straight to my credit as follows: I was made a runner for the umbrella shop, and had to take packages from one shop to another from three different men in the shops. The citizen foreman, monitor and bookkeeper was being taught my duties by the inmate bookkeeper taking packages and messages to different parts of the institution; I was a new man and did not

know what the packages or notes contained as I was not supposed to open them. On the third afternoon being in the position of runner I was sent to the hardware shop with a package to an inmate and I delivered it and three weeks after it was found out that the package contained a bottle of alcohol. I was chalked in and asked if I remembered taking a package over to the hardware shop, and I said yes, as I had only been there once before. I was asked if I knew what the package contained and I said how could I when I did not see inside of it as it was done up in a pasteboard box and tied with a string; then I was told that it was alcohol. I admitted taking it over as soon as I was chalked in but said I did not know the contents and for not knowing that I was doing in any way I lost my grade after trying hard to comply with all rules as my record will show. I made a perfect record for the month of December and was not even then restored to the lower first grade but Beck in the band who was mixed up in it with the bookkeeper and was spanked for it, was put in the black suit from the red, on December twenty-fifth. I am a married man and have always done right here and tried to comply with the rules, and for my stupidity is not knowing the contents of package I lose my grade.

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No. 745.

Dear Sir.—As you have said any man who has something to tell may do it very frankly and without any fear, so will you please and be so kind and let me have an interview with you, and I will tell you the very truth and the cruelty with which I have been threatened in this institution from the day I came here to the present time and I hope you will do it for me because I am unable to communicate with you by note on account of my being a very short time in this country and by the little English I possess. Again I beg you to be so kind and let me have that favor I ask of you.

Yours respectfully.

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No. 746.

Sept. 26, 1893.

Dear Sir.—I don't think that I have been used exactly right here. On the twenty-first day of last May I was chalked in for whistling, and on the twenty-second I was fetched up before the

Colonel Olney and tried. He said that he was sorry and would go and see Mr. Brockway, but I didn't see Mr. Colonel again, and was sent back to my room and that noon I was fetched to cell 602 and there I remained until the line went out, and then I was taken down to the bath-room, and Mr. Brockway asked my charge, and then told me to take down my pants, and he gave me such a whipping as I never had before, and, Mr. Craig, this charge that was put against me was for whistling on my fingers, and if I was to be shot I couldn't whistle on my fingers. This is the truth, if ever I told it; I was reduced for nothing.

Yours respectfully.

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No. 747.

Mr. Craig:

Sir.— The matter I would refer to you is not direct cruelty in any form whatsoever, but I am in a great sense cruelly handicapped in my really earnest efforts to do right and leave here better than when I was admitted. I am physically unable to perform the work assigned me, the heaviest in the institution. I was reduced to the second grade on labor alone. I had for four months a perfect record, and it would have continued so had I not been subject to the labor I am at present engaged in. That is all that delays my departure. I have never done a "crooked" act in this institution. I received two first-class reports wholly undeserved, one for laying in sick when I really was so lame in my back that it was agony to work, and one for doing my work in a manner I did not know to be wrong. I can get no help from the doctor.

Respectfully.

P. S.— I saved the institution from an escape, in which guards were engaged, and I think I should be treated differently for that.

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No. 748.

Elmira, N. Y., Sept. 26, 1893.

Sirs.— As I understand it, you wish to be informed of any cruelty that has been practiced on myself. I have visited the bath-room, where the superintendent gives what he calls physical treatment, and will remember what I received as long as I am in the institution. I only received nine or ten strokes which left my hips a mass of discolored flesh. It is a very common

thing to see a man come out the bath-tub with a large, disfigured eye caused by the heavy riveted strap with which the superintendent strikes his head and face if he looks over his shoulders or chances to turn around there are several men always attending him while at the task of what he pleases to call reformation. Sometimes a man will raise his hand to ward off the strap, in which case he is suddenly knocked down and kicked. It is very well known among the inmates here that every month or so some man is put under the doctor's care as the result of visiting the bath-tub. Up till a day or two ago he had several men locked up actually starving them, but when it was known about an investigation he let them all out with a smile.

Your obedient servant.

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No. 749.

Elmira, N. Y., Sept. 26, 1893.

Mr. Craig:

Dear Sir.— I should like an interview with you to state an injustice which, to my mind, has been done me during my short time here. I think that I can state my grievance to you orally better than on paper.

Wishing a few moments of your time, I am

Respectfully yours.

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No. 750.

As I got the privilege to make a statement about this place I take the opportunity. I'm in the red suit just because I did not pass in school and got a few reports. I think it is a shame the way a person gets treated as I am not got treated very severally yet, but if this thing had not leaked out I would have got down the bath-room and beat like a dog. I am got a notice now that I will place in this letter which I got from the general superintendent. If I did not make a better record I would get in serious trouble. This serious trouble is a flogging which is not soon forgotten, as many more will tell you. Please let me know how long it will be before I get a chance to see you. I can swear that a man in this place, now he is in the red suit. I saw him chalked in one day and didn't see him for at least two months after, and when I saw him he was lame and was in the gymnasium to get limber so he could work again. He told

me he got all he wanted as long as as he is in this place. Principal keeper is a brute as well as the general superintendent and the other dog that is down in the bath-room wth the general superintendent. I don't care if the superintendent sees this or not; I don't give a snap for the superintendent, principal keeper or any officer in here. If they take me down the bath-room I will defend myself every time and if it costs me my life. The papers can not run this story too high as there is good many proofs right here now. The papers are just saving us from good many floggings just now. This is the truth; I will kiss the bible and swear to it.

(One inclosure.)

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No. 751.

Elmira, N. Y., Sept. 26, 1893.

Dear Sir.—I was sent here by my own request, and advice of my counsel, and I have not, as yet, seen any time when I have regretted it in the least. I haven't the least cause for complaint and I think all inmates who have tried to live up to the rules have had no trouble.

Respectfully.

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No. 752.

Elmira, N. Y., Sept. 27, 1893.

Hon. Oscar Craig:

Inclosed you will find a notice which I received when I first went in the lower first grade. When I was reduced to the red suit I was down for the first time and that is for three months. I got two nines within my three months, but the superintendent did not take me out so I had to do one more month in the red, which keeps me in the black one month longer. I went to an interview twice and he does no more take any notice of me than a post. I went to him last time for a report which I do not deserve; that is, a $3 chocolate or a 3 mark first class. I told him by note how it was, and I received no answer. Now, last January, 1893, I was accused with crime against nature. Now, I can not deny all the parties, but I can deny about 1-2 dozen which I know nothing about. I was threatened by both Mr. Hoppe and and Col. Bryan; they made me say yes, and if I said no they would throw me down; so I was afraid of them, and the best I could do was to give in, but it was a lie. I can say that by taking an oath. The parties I have done it with made me do

it; they would not leave me until I had done it, and I was afraid of them. This reformatory is making a worse man out of me than I ever was. I never in my life knew what crime against nature was. When I came here I was made to do which I never knew how nor I ever will. Now, gentlemen, believe me to be true in this, that ever since I was reduced I was as perfect a man as anyone in here, with the exception of this month, and I would like to explain it, but it is not very important.

Oblige.

(One inclosure.)

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No. 753.

Jan. 26th, 1893.

Hon. Mr. Craig:

Sir.— I would like to go before your committee, as I have been unjustly reduced from a "paroled officer" to the lowest grade, not by a fair trial or sufficient evidence, but by men who were not in the standing that I was, and by the unjust methods by which the accusers were "forced to confessions." This paper is insufficient to explain my case and I beg the chance to explain before your honorable committee.

Hoping you will grant my request, I remain.

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No. 754.

26, 9, '93.

Gentlemen.— In regards to your investigation, this is no way for to do so. I have no doubt that this plan was suggested by the general superintendent, which, of course, you will not get half the letters, as they will be taken and you will be therefore deceived, and another, you can not get all the information what some of the inmates can tell on this one piece of paper which you give, and half the inmates are afraid to write for you will not get half the letters. All these officers are posted on your movement, and I could see you's being deceived in the inmate dining-room to-day which, of course, you did not tumble to. You are well treated, everything is fixed. For myself I will have nothing to say for I know not if you get my letter. But I can tell you an inmate who has only one leg and one eye who I seen to come out of the bath-room all blood and a beautiful pair of black eyes, and he no doubt would be a good specimen for public opinion of this lovely place. He is at present in the blue suit

but does not have much to say. I think the superintendent has fixed things with him. His name is McCann, 5159, or 5157, I ain't sure which. I am sure you could get a good statement from him though he is pretty fly and does not want to have much to say. I have not got time to write any more or I would write you a great deal. I refer him to you as a good specimen for public opinion.

I remain yours.

P. S.— You will not get half the statements in this way, as this way is to cheat you.

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No. 755.

26, 9, '93.

Sir.— In the first place I wish to say this. The supt. said in the chapel that two or three yellows (reports) would not lose the month. If this is so, I was treated unjust. The month of March I received sixty cents worth of reports, therefore making what is called a (9), or perfect month, for one of those reports, one for simply talking to a man in line in shop. I was taken to the bath-room and flogged, and my body was black, blue for some weeks after. The same thing was done to me in May. I was waiting for a shave, and asked a man if he shaved yet, so as to get in ahead of him, and received a report for talking, and black and blue marks was the result. Now, gentlemen, I would carry this to New York with me, as my time is up in December, and not complain of it if it was a good, honest officer gave me the reports. But (no) it was a common prisoner like myself who done it. That I say is the cause of all trouble and men staying so long in this reformatory. Why, a man with ten or twenty years, put over a number of men, will do anything under the sun to get out, if he has to keep fifty in his stead. I saw it worked to pay in my expense here and never saw any good results to either officers (inmates) or inmates. Again, I say it never happened until this military officer business started. Abolish all inmate officers and you have the reformatory of ten years ago. It was shown, time after time, that it don't pay. It is simply for a show, and we get the worst of the show. My cry is, give us honest officers, not inmates, and give justice toward that bath-room.

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No. 756.

Sept. 26, '93.

Sir.— It is your request for me to write and tell you my experience and my treatment while I have been under your care, and in regard to the matter I can not say anything against the supt., as

he has treated me with respect, and therefore I can't say anything wrong, as I have never given him any cause to take me to the bath-room to be punished or whipped, as I have always tried to get along, and I have only been here nine months, and I am in the upper first grade, and am getting along nicely, and have no fault to find with Mr. Brockway in any manner, and, as far as I have seen, and what dealings I have had with the superintendent, he is a gentleman, and I think he understands the reformatory good, but I will admit the rules are very strict, and you are liable to get a report that you do not deserve, and therefore I have nothing to say.

Respectfully.

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No. 757.

Sept. 26, 1893.

Gentlemen.—I now take the liberty to express myself and the cruel blows that Mr. Brockway struck me. I tried to do my best to please him but he was not satisfied so he put me in the iron foundry and made me work like a slave. I was then put on a task of 75 molds a day, then because I was not strong enough to do my work he took me to the bath-room and whipped me until my right hip was so numb and black and blue that I couldn't hardly walk. He took me down there twice in one week. He has ruined my health. If he had given me one chance that I would be going home next week. Gentlemen, I speak these words for they are the truth and nothing but the truth for I know that the good God above shall back me in it. He also keep me in the red suit six long months and did not let me hear or write to my poor mother.

Yours truly.

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No. 758.

Sept. 26, 1893.

Dear Sirs.—I will tell you all I know which is not much, as I have been here a very short time. I hear some inmates say they have not been treated rightly, and others say they have been treated all right. As long as I have been here I would not wish better treatment in prison.

No. 759.

Sept. 26, 1893.

Hon. Oscar Craig:

On March the 30th, I was called upon to the guard-room floor and asked by Co. Bryan if I had been stopped by the night watchman coming from school the Friday before and if he took my name and number. I told the colonel that he had but the night watchman insisted that I had given another man's number instead of my own on purpose to keep from getting the reports myself and I was then taken down and chalked in and the next day at 2 p. m., I was taken down to the store-room and told to take down my pants and put my hand over my head on a bar with my face to the wall. I did as I was told and the general superintendent commenced to beat me with a strap at least a yard long and a half inch in thickness. He gave me four or five blows on the small of my back and with the pain and excitement I took one of my hands from above my head. I was immediately struck by the superintendent three severe blows on the head with the strap and one by Mr. Murphy with a stick. I was then dragged, half insensible, out and was told by Mr. Lazenby to get on my feet but I could not stand, I was so dizzy from the blows on my head, and he kicked me three times in the stomach and dragged me to a cell.

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No. 760.

The doctor at the institution is a cat doctor. If man is sick and tells him that he don't want to work and Mr. Brockway takes you down and flogs you, and if he can't do it two or three persons help him, and they nearly kill him and then they make you go to work, if you can't do it he takes you down and flogs you again.

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No. 761.

Sept. 26, 1893.

Hon. Oscar Craig:

Sir.—I am very glad to have this opportunity of expressing my opinion on some of the customs of this institution. I can not say I have any reason to complain of the managment, but I certainly think there is room for improvement in the school of letters; firstly, I think we ought to be allowed books to study and improve ourselves, for I think the instruction

we receive is insufficient, and, secondly, failure in school ought not to interfere with grade. Let a fine be imposed, without affecting the position in grade. We might also have an improvement in the dietary. I do not know what the other men may think on this subject, but I, myself, lives chiefly on bread alone. I can not find anything else palatable. I am perfectly satisfied with everything else except those two items.

I remain, respectfully.

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No. 762.

Dear Sir.—As I have a chance to express what I know is this. I have been here about ten and a half months, and as far as I know about the place is this, that the colonel is the cause of so much paddling here. The paddling has been stopped here for about a week, but before there was going to the hospital every week two or three. I was to the bath-room twice, and was paddled for a fellow said I told him to go to hell, and another thing is that one prisoner has over another is hard; if he is mad at you he can keep you in the red all the time. If you get a report wrong and send it back for investigation the colonel will give you a chocolate. The colonel is to blame for the most of the paddling here. Last April the nineteenth I was down to the bath-room and was paddled, and I saw them drag a fellow out of the bath-room and he was nearer dead than alive. They hammered him with an iron bedstead leg. The day I was down I did not lay on my back for two weeks. It was all black and blue and the hide was off, but if everybody does look at the colonel you would get chalked in and clubbed, too. Please, I could tell you more if I wanted to, but all I want is to let you know that the paddling is here, worse than ever before. Good-bye.

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No. 763.

Hon. Oscar Craig:

Dear Sir.—I am sorry for Mr. Brockway, for all the charges against him are as untrue as steel is cold. I have been here most five years and have ten, but I can't kick. I have always been treated like a gentleman, and I acted like one. I have been spanked by Mr. Brockway about fifteen or eighteen times, and I am in just as good health, and better, to-day than I was when I came here, in 1889. Remember, Mr. Brockway has spent the best part of his life in the reformation of a lot of fools like myself. Put yourself

in this place, believe me, and you believe words that come right from the heart of a man who looks at things from every point of view. We all make mistakes, and I suppose our mistakes are looked upon as crimes, who do nothing but make them. The good that Mr. Brockway has done in his life will more than outweigh a little mistake that he might have done. I have read the outside papers about this place, and can honestly say it is lies from end to end. I will close by saying I have spoken as my inner self, or my better self, always does speak. God will make all right beyond the grave, and may He who dies for the sins of the world bless Mr. Brockway and his honest heart in his old age.

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No. 764.

Elmira, N. Y., Sept. 26, 1893.

Dear Sir.—I have not got much to say about the treatment in this institution. Those rules are not too hard to keep them if one would only try. I am only here since the fifteenth of March. I made a good record for the first month, just after that I went down the third month in the red suit in which I was exactly three months. I can't say that I get put down for nothing. I get warnings enough before I went down. I am working in the foundry, and it is a hard work, yet not too hard, and every one could do his task if he would try. I am one of the smallest men, but I have, every month, a few days over time to my credit. I am only sorry for the month I have lost when I made that nine, but it can not be helped. It is the rule of the institution that every man by going down in the red suit loses his whole time. The only thing I say is that if I must try to do right and mind his own business they are right to him, and send them home as quick as he came in. You will, I pray, excuse my bad writing, because I am German and can not write nor read a word before I came here. That is what I have learned these few months since I came here.

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No. 765.

Hon. O. Craig:

It has been my earnest desire to bring before you the most injustice and cruelty practiced herein upon some men. In my own case the most foul injustice in which Supt. Brockway did not only indorse and enforce but sneers at, then has the audacity

to ask men to enter complaints in such manner of form as this, and on little slips of paper 7 x 4 inches or thereabout. If this investigation is for the benefit of Supt. Brockway I wish to keep my mouth shut. But if it is in the interest of the State, the public at large, and the inmates confined herein, I can stand ready at any minute to speak the truth and prove every word I have uttered, either only in connection with my own personal affairs, or at the same time only a view of the sights which my eyes have witnessed.

Remaining very respectfully.

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No. 766.

Elmira, Sept. 27, 1893.

Hon. Oscar Craig:

Dear Friend.—I am very sorry to have to make such a complainant as this, but I think it is not proper for to have such a rule as to stop a man from writing to his father or mother or any other relative. As this is the only enjoyment that a man has, and also am sorry to tell you that if I get reduced to the lower grade, which is the red suit for school, I do not know what I will do if I do not hear from any of my people, as this is the first and I hope and pray it will be the last time. As I know that if I took my mother's advice I would not be where I am to-day. If I had stayed from bad company. I can not help thinking about school, as I know it will be the only thing that will keep me here, but I can thank my father for it, as my mother said that he would not let her send me to school outside. So please see about this rule as you will be doing me a great favor and many more poor young men, No more at present. From a friend.

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No. 767.

Hon. Mr. Craig:

I have not got anything to say only that the superintendent has treated me like a gentleman ever since I have been here.

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No. 768.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I have been in this institution only five months and I do not know very much about it, but I was only three weeks here when I got paddled for a very simple offense, which I hardly

think was right, as I did not know the rules of the place, and to-night I hardly got seated in school when I got a report because the man next to me asked me how to spell your name so as he could address it right and that officer was an inmate, a convict just the same as myself. With such people as these how do you expect to go home when you don't stand in with them? He just gave me that report because it will make it good for himself so as he will be taken out of school he can show by that report he is doing his duty when he knows that is keeping me here, and he thought may be that when they see him doing his duty he will be taken out of school. Do away with these inmate officers.

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No. 769.

We are getting very bad food for the kind of work we do. I think that we ought to have better food. The hash is very poor. That is all I got to say about the reformatory.

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No. 770.

Hon. Sir.—All that I can say about the management in regard to me is I have been treated fair and square as long as I am here. I am in the red grade and have been taken to bath-room and instead of punishing me the superintendent let me off on my promise "that I would not do it any more." If I would have been punished it would have been deserved on my part and very much but I never as long as I am here saw or heard of anybody being punished unless he was a "tough" and would not give his funny work up when he was let off the first time. I can assure you I have profited by doing after that that which was not offensive to the rule of this institution.

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No. 771.

Sept. 26.

Dear Sir.—My brother came here to see me a few weeks ago and brought me some fruit and I did not receive any of it. I went to see the superintendent about it and he said he did not know anything about it and he knew all about it. I was put in the red suit for nothing. I tried to get along but I can not. He don't give me a chance. I work hard every day and have

to live on bread and water. The little soup we get is not fit to eat. I tried to escape and was nearly killed. I was knocked down with clubs and kicked in the face and on the head. It was a fact I was burned all over my body. I have lumps on my head as big as an egg. I was brought in and locked up. I was so badly burned that I could not lay down and the next day I was hardly able to stand and was driven out to work. I have felt well since. I am lame in the back, which I think will prove fatal.

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No. 772.

Sept. 27, 1893, G. R. F.

Hon. Oscar Craig:

Dear Sir.—I only got two whippings since I have been here. I really deserve it too. The first time I went down to him I got three raps, the second I got five raps and that was enough not for me not for what I done. The first couple of months I was here I could not get along because I wasn't used to the place. Now I found out that if I could attend to my own business and do my (?) I see that I could get along very nicely. This month I am doing very nicely. It will be the first month I ever made a nine and I hope that I will get out of it next month. I can say that Mr. Brockway treated me kindly. He gave me fair chance to get out of it. Since I am here I got three or four reports for what I didn't do and I think that is not fair. As soon as I get out of the red grade I will do my best to keep out of it. The only rule is that I know of always do the very best you can. The other is do the very best you know how.

Yours truly.

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No. 773.

Hon. Oscar Craig:

I will write you what I know, and I will tell you the truth. The first month I was here I was reduced to the convict grade for nothing. I was accused of being in trouble with another inmate, and was put in the solitary for five days. A little hash for breakfast for the whole day. I was taken down to the bath-room and spanked. If I got a yellow report for talking I would be taken down to the bath room. Outside of that I get along all right.

No. 774.

Sept. 27, 1893.

Dear Sir.— At the request of Mr. Brockway and yourself I will do the best I can to state my trouble. Whatever I put here I promise you to be the truth. I was reduced to the red suit in September, 1890. While working on the north extension, then being built, I tried to escape. I was put in the solitary for two days and three nights on one slice of bread and one cup of water to weaken me for the bath-room. Was chained to the floor. On the third day I was taken out and to the bath-room. Was asked who helped me fix the brick pile where was hid. Would not tell. Was paddled till I did tell. For three days I had to lay on my face, my back being so sore. Next I was paddled in March for breaking the rules. Mr. Brockway hit me about eight times, and then he stopped and asked me to tell him if I could behave now in the shop. I replied, "Yes, sir." Upon which he hit me across the face, saying, "Shut your mouth here, and I know you can there." My eyes were swollen and one closed from where the end of the strap hit it. I then got eight more. Was told to get out. My next punishment I deserved. It was for not turning over all the tobacco I had when caught in a deal. I gave part in and lied about the rest. I was found out and severely punished. For anything further you wish to know, I am,

Yours respectfully.

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No. 775.

26, 9, '93.

To the Investigating Committee:

I have been here twenty-eight months, but it is my own fault, as I might have been home a year ago if I had taken my brother's advice and kept out of mischief. I had been to the bath-room two times, and was spanked both times, but one of the spankings I was innocent as any of you are, and the other one I deserved. But the one that I was innocent of it also made me lose my grade and has kept me here a year longer than I would have been if it had not have happened. As far as treatment in this institution is concerned, I can say that I have been used all right. There is some men who are all the time in hot water or in trouble. Those who want to be bully. Those I do not blame the superintendent for using force to them. I can say this much: That if a man will try to do half-way right in this institution that the superintendent will do the other half for them and help them along. I know that much from experience. I have learned a lesson that

I shall not forget for the remainder of my life, and I am now striving to make a parole and go home, as my folks are very anxious to have me do so. I speak this freely and with a free will. I will close.

I remain, your true servant.

P. S.— Gentlemen, this is my first time in prison, and I swear in God's name it is my last. When I go forth from here I shall be a new man.

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No. 776.

I have been used all right as long as I have been at the reformity. I have nothing to say against Mr. Brockway or any of the managers.

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No. 777.

Sept. 26, 1893.

Mr. Craig:

I have no complaint to make concerning "the bath-room treatment," although I was in the red suit two months, but I do make complaint about my grade reduction. I was made an officer when I first came here, and assigned to the training of the awkward squad. I had to report men. At the time the captain who had charge of the whole squad, ————————, had caused to work against me, because I happened to give some of his New York friends a report, and he worked every way possible to put me in a red suit, and he finally succeeded, by giving me false reports. I sent the reports back to the superintendent to be investigated; there were always investigating but never in my favor. Of course his being a captain his word went twice as far as mine, and he could give me reports whenever he wished, and they always stood, therefore I do not think that the superintendent dealt with me fairly. If he had given me my rights, I would be near home now, as I would have gone before the October board. I think I have just as much right to the blue suit and the October board as any man in this place. As it is I am in the "neutral grade," and the Lord only knows when I will get the blue, if I am under "inmate discipline." Please excuse this paper, but your sheet is too small. I came here November 23rd, 1892, was made a sergeant two months later, was reduced to second grade May 6, was restored to lower first July 10, and have been in the black suit since. I was never taken to the "bath-room," but I

have no doubt that if I had ever given Mr. Brockway a chance he would have served me the same as the rest.

About food:

The food we have been getting for the past three months is something terrible; but I notice, Mr. Craig, that it is gradually growing better lately. They expect a good day's work (I do not begrudge them that), but give for it a poor day's food. My mother prs. Lee Smith was here on the 3rd inst., and she wishes me to have an interview with you. Will you please grant me that interview, if you can spare the time. I might tell you something which I can not write. I wish you would please see if I may not have my rights, the blue suit and the October board. I do not think that there is a man here deserves them more. If I had got nothing but true reports I would have made a nine each month. The inmate discipline is terrible here. If one man wishes to keep another here he can do it. Please grant the interview. I am now a teacher in the school of letters.

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No. 778.

Elmira, N. Y., Sept. 27th, 1893.

Hon. Oscar Craig:

Dear Sir.—I have no cause to complain about any ill treatment. The only fault I find is that the eating might be a little better, but is perfectly satisfied as it is; as far as Mr. Brockway is concerned it would be very easy to get a worse man to fill his place. I think he uses very good judgment in what he does.

Yours truly.

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No. 779.

I am perfectly satisfied with the treatment I have received here and have no cause to complain whatever.

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No. 780.

Dear Sir.—I have been put down in the blue suit. I got a report in May and I sent it back and and they waited until the first day in June and give me a report for it, and the next month I got another and he put me down and if he would put the first report where it belonged I could stand them. But he and the ..... want to keep me here. I have been a man here

and I am an honest man and I do not think that I have been dealt honestly by I think I have earned a parol and I earned it honest and if I can not have a chance to go home and be an honest man I would like to know thy if the God in heaven would come down and tell you that I did not do anything to get those reports. If you will look over my records you will see that I have made a man of myself. Please look my record over.

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No. 781.

Hon. Mr. Craig:

Dear Sir.—I know nothing about the bath-room as I have never been there to be spanked but I have been chalked into the bath-room but the superintendent let me go so I have nothing to say. I have seen men get brought down to the bath-room and I have seen the marks on their bodies from the straps, and it was only Sept. 22nd, between one and two o'clock, I seen an officer bringing men to the bath-room. I wish I knew more to tell you so I will say little and tell no lies O the cottage on the hill boys or the bath-room they get there the old man standing there sample will grab you by the hair and at thim wil I stare when he tells you to take down your pants.

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No. 782.

Sept. 26, 1893.

Hon. Oscar Craig, and Investigating Committee:

I wish to write the truth the whole truth and nothing but truth and can swear to it that I was placed in solitary confinement for a pair of hair clippers which was missing, I was chained by my right hand to the floor for several days and nights and received for my food a cup of water and slice of bread every twenty-four hours and I knew nothing about the clippers I was accused of stealing; as regards the bath-room I do not know much about it only what I hear of the inmates, and very often I see a man with a black eye, but not so much these last few weeks, I do not think I was treated fair during my stay here.

I remain.

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No. 783.

Sir.—The only statement that I have to make concerning the treatment that I received here is that I was taken to the bath-room and whipped by the superintendent, and still carry a scar

on my nose yet having been struck in the face with the strap that is used but since then I have tried my best to keep away from the bath-room.

I remain your, very obediently.

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No. 784.

Mr. Hon. Oscar Craig:

Dear Sir.—I have not been here very long, but I find no trouble in getting along and as long as I have been here I have been used very well and I can't tell you anything about the reformity.

Yours truly.

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No. 785.

Elmira, N. Y., Sept. 26, 1893.

To Hon. Craig:

Dear Sir.—In regard to making a statement as you asked for about my own personal experience. About the bath-room I have had no personal experience but have seen the effect on others that have been there. Well, there is only one complaint that I have to make and that is about the officers in military. They are allowed the privilege of giving us inmates the ports for such simple causes as raising your hand to brush off a fly from your face or for being out of step or for swinging your arms, now for a prisoner the same as yourself to have the authority to give me reports, and those reports not only go to make my time longer here which is nothing in the way of reforming me, but they get themselves in favor with the higher officials so they get their early release. So you see how some inmates make the place in a year and how others are held on little tecnicals.

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No. 786.

Sept. 27, 1893.

Hon. Oscar Craig, Chairman of the Board of Inspection:

I have not much to say about the place, much less about the superintendent. I have been here nearly two years now, have been twice in the second grade, was to the bath-room twice,

paddled each time. But perhaps I deserved, perhaps not. I certainly have had privilege here to learn a trade and also to learn some education. I still have over three years more to do but I still hope to make a parole yet. I wish to say just here that it is not so much the superintendent's fault, so far as I saw, as it is in the inmates who are in authority here that so many are in the red suit for I know it was there fault that I was down below. This is all I have to say about this place that I know of.

Yours respectfully.

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No. 787.

(A blank.)

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No. 788.

Sept. 26th, 1893.

Hon. Oscar Craig:

Sir.—The statement I make is regarding to the food we get. It is not fit to eat. The breakfast we get consists of hash and sometimes it smells. The same with the dinner rations. The first basket of bread that the bread man brings is most always sour. I think we ought to get better rations than we are getting and hope that it will be changed.

I remain, yours.

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No. 789.

Sir.—I came here on July 8, 1892, and as soon as I learned to drill I was set to work in the foundry, molding. I was given time to learn before I was put on task, and after that it was hard to get along, for when you would get your task up, and if you would run short or get bad work you would get a label report for either one, and for two months after I was on task that I got so many labor reports and a few conduct reports, that I got a notice if I did not make a better record I would be taken and be flogged. But I could not , so he took me down and flogged me, but if I could have done better I would if I was not the foundry. But a fellow had to take as it goes in there—for sometimes you get a pattern that you could not do your task, no matter how hard you work, and if you couldn't do

it you would be taken down and get punished for it. And when you are drilling, officers would report you for another man's mistake, and if you would sent it back to get it investigated you would sure to get a first-class report for it from the colonel. No matter what you say, you would get it just the same, and I say here that if it was not for the foundry I would be home by this time, and a good many others that is in there. But I hope I will never be again.

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No. 790.

Hon. Oscar Craig:

Dear Sir.—I have been here for three years and four months. I have been in the lowest grade twice; first time reports, and second time for school. I have been in the upper first grade once, and was reduced for not passing in school. That was last year. Then I stayed in the black suit for six months, then was reduced to the red suit. I have been working on a machine, and it generally gets out of order and breaks work. In the last week of May I was taken down the bath-room for not doing my task, that is, I got spanked, and he told me he would spank me for every gray cord I get, so I was taken down four times in the one week. As there is no work for that machine now, I am getting along nice. I will have three nines, counting this month, hoping to be home by next summer. I am no scholar, having no education outside. As I would say, I would sooner do my time in State prison than stay here. I have not did anything crooked nor hit any officer, not having a fight with the inmates, I should think I ought to get my short time. If I earn the blue suit my character is not very bad, for if I was in State prison I would get it. A man can't help talking to another, because he is standing right next to you. I remain, the inmates of the

Elmira Reformity.

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No. 791.

Sir.—I have been here since the 22d of May, 1893, and during that time I have been treated with all respect due to an inmate, I have no complaint to make whatever.

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No. 792.

Elmira, N. Y. S. R., Sept. 26, 1893.

Sir.—I had the experience of getting a report I did not deserve, and I sent it back for to have it investigated. It was investigated, and I proved myself innocent, but I did

not get the benefit of it. Col. Bryan is the man that investigated it, and he did not give me a chance at all, because the next day I was fined $1.00 for denying a true report, as he said, which was not so. I went to the superintendent about it, and he said the colonel told him that I was lying about it. I don't think Col. Bryan is a fit man for the position he holds, for he does not think any more about the men in this prison than he does for the dirt of his shoes. This is all I have to say.

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No. 793.

Sept. 26, 1893.

Your Honor, Sir.—There is nothing I wish to say about the reformity. I have been here three and a half years, and I know the rules and so forth. We must know we are in prison, not in a palace or kingdom. A man who does right will be used right; there are some who do not know when they are used good. For my part I am very glad to say that I have been used like a king by the general superintendent, and other men will be used the same if they do the right thing. I have never been punished in any way. I have asked favors of the general superintendent and always received them kindly. I am a first-class blacksmith and am glad to say it. I am only wasting paper to express my thoughts and true wants. I hope we have a concert Sunday night.

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No. 794.

All that I have to say that I have been down in the bath-room and that I did get spanked for getting one dollar worth of reports, and I have got a notice if I had got a dollar's worth this month that I would get spanked.

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No. 795.

Mr. Craig:

Dear Sir.—I take the pleasure of writing you a few lines to let you know how I stand. On my arriving at this institution on the 3rd of December I was placed in the blacksmith shop and held it until the 20th of Feb'y, and then I went into the red suit and stayed until Sept. 4th, when I made the black suit again. When I first came here I was abused by the principal keeper. He came around asking if the wash was right; I said yes, and he passed through the door and hit me with a stick and

called me all the names he dared to call me. He was very much intoxicated and held me as a black card from that time until June. I had better treatment in the State Industrial School and more eatables. We worked in the different shops, and do not get half as much as the blue-suited men do, and if we should ask the superintendent for more he would punch us in the eye. I have seen him stand and hit men in the eye and cause the eye to turn black and bloodshot. Nearly all the men would like another superintendent. He takes a person in the bath-room and paddles them for one yellow report, and if you looked at him he will hit you with a strap over the head. He hits a person over the kidneys. I only gave him a chance once to hit me. This is all I have to say.

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No. 796.

Hon. Sir.— Although I am at present within a few weeks of a prospecting parole, and also holding a position of trust, I can nevertheless withhold from you some facts which probably will alleviate if not my own condition (such as not desired any more) the condition of other men confined here. I have during my stay of nearly three years had a sufficient opportunity to notice and see with my own eyes acts of inhuman brutality and injustice. If called upon I will be willing to cite to you some of these cases. At present kindly permit me to state to you, gentlemen, my own experience here. A few days after my admission to this reformity here the general superintendent informed that I am to act as store-room clerk, a position which brought me into contact with new arrivals as I had to oversee their outfits. Before excepting this position the principal keeper, Mr. Winne, informed me regarding my duties. He said to me you will have the opportunity (owing to your relations with new arrivals) of coming into possession of quantities of tobacco. I don't care how much you keep for yourself as long as you don't leave it go out of your hands. I fully realize the importance of this demand and have strictly kept to it. One day after a few months of smooth career the Lieut. Col. Luke H. Halpine came for me saying I would like to see you. I immediately followed him. We came to a standstill at the solitary cell door when he said, go in and undress yourself. After having done so he searched my pockets and found a small piece of tobacco. After having redressed myself I was taken into a subterranian cell called No. 4, or solitary cell. I was there chained on to the floor and kept there on two meals a day for one week without knowing or being guilty of any offense

to my knowledge. After this week of tormentation which nearly bereaved me of my sence I was taken up on daylight again to be brought before the general superintendent. Upon coming before him he asked me the question where I got the tobacco from. I was almost thunderstruck when confronted with this question. I answered saying, general superintendent, you know I have lots of chance of obtaining tobacco at the store-room and that is where this piece came from. He replied to me you lie, you damn convict, and if you don't tell me the truth I'll take you to the bath-room and I'll skin you off. I insisted that I was telling him the truth but he did not wish to listen and told me to get myself down to the bath-room and that there he will hit the truth out of me. He followed me close down to the bath-room and as soon as he obtained possession of the strap, hit me with the handle of the same clean across the eye. Such of course stunned me for a short time and I was unable to take my pants down in as quick a time as it was desired by the general superintendent. He hurried me on and on continually bruising me while the blood was running down my face. I finally reached the window towards which I was to stand and there the general superintendent let the strap come down on me with a furie which would seem exajurated to you, sir, if I was to describe it. He continually hit me, hit me over the small of the back which deprived me of my breathing and after I had counted about 20 beats I sank down in utter pain and agony deploring the general superintendent to leave off. But it seemed as if this man had no heart at the time.

I was kicked around the floor worse than a horse and after almost swimming in my own blood was thrown into a bath-tub to wash my blood off. The general superintendent then left me to my fate ordering his bath-room assistants to take me down the solitary again and that he would have me up again the next day for further treatment. The hospital steward Mr. O'Brien, then came down and ridiculed me as I was a horrible sight to look at, my face and body being all cut and sore. Owing to the generosity of one officer who had pity on my condition I was not returned to the solitary cell, but brought to a cell called the reception room, a slight moderation of the place called No. 4. I was unable to move my body in any shape and in such condition as I was in I was left to spend two more nights in seclusion. Finally I was let out and again brought before the superintendent on the floor. He told me himself, "O, you are a horriable sight what do you intend to do are you able to go to work?" I replied that I was as I have had sufficient solitary confinement; he said

"You see I had evidence that you was implicated in a larceny of store-room goods and I thought that you received that piece of tobacco in payment for the same." When I heard this unjust accuse and the pains that I had to suffer for it my heart was nearly breaking, and I was asking my God is there no justice in this world? I emplore you gentlemen, as men of honor and esteem, as fathers of children, to protect these inmates who are still treated daily in the same manner as I have been treated. I also like to add that I am willing to swear by all that is holy that I have told you the truth, the whole truth and nothing but the truth so help me God.

Very respectfully.

P. S. I would kindly request you to grant me a personal interview, if possible.

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No. 797.

Every word I say is truth. You can hear the dead wagon from the south side wall where the red suit men locks and where I lock two months ago 370. You could hear them take down the box through the bucket-house two doors and then you could hear the wagon and the horses run swiftly past the south wall where the last guard-house is. So superintendent made his money by taking the dust off every people and do not forget it. So what is this place for once I get free I will make a wholly show out of it and do not forget it, because the Doctor Wey and the undertaker and superintendent stands close together so what's the three and Sample also. He is a mug that holds up your shirt while the business is going on, but he is getting his dust all right because he would lose his job if he would not do what superintendent says. He might as well hold a good thing while he has got it so watch this joint, I tell you. So if you take this note and destroy it you will be sorry for it so let it go the way it is going so that is the . I am going home in about two or three days so I will stop in Buffalo and give a good account of this joint.

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No. 798.

I can't write good. Can I see you.
Interview promised by Mr. Craig.

No. 799.

Hon. Oscar Craig:

I was down in that bath-room only four times and if I came across the manager outside the I would killed him and lynch him if I had the law in my hands. He is to old to hang for so he had made all his dust by taking the skin off other peoples and so I had got five years and Iwent down in January for reports only Getting three dollars chocolate that knocked me out when I had got my last call so I got that for nothing and when I tried to get it cancelled it would not go. The superintendent laughed over it and pulled his long whiskers and spoke so sweetly and nicely with that sweet voice of his, so when I went down in the bath-room he said to me after giving me eight raps the first time, and said to me if you will come down here again I will send you in your box off to your grave like he did with a good many more that could not talk English or speak the English language, yet so I would dare say that in my time that there were only twenty-six that croaked in the hospital, and I suppose was going on before I came, you could not count them. He was the one that was doing the killing, and Murray was the one that was doing the finishing and the undertaker was digging the graves, so when you see a wagon come around Sunday afternoon about pretty near seven o'clock to bury the dead, but croaked in the hospital, they would bury their dead on one day. He is to sweet to be holy; hanging is to good for him.

Hanging is to good for him. He is to old to hang for him, so he made all his dust by taking the skin of other people's kidneys, not off the cheeks off the ass, but around the belly. Every time whether they used to be buried on a Sunday and send them out to the bucket-house that night about six or seven o'clock, when the wings should be in the chapel. You could hear the wagon wheels every Sunday night going across the hard pavemnt with a wood box in it, so I can prove it to you; just watch this place for two months and you will see more mugs that are up in the hospital and are supposed to be dying from the effects of the paddling every minute of the day, so you keep your eye on this place, and the undertaker down town, and Brockway, the superintendent. You will go up in the hospital; there are plenty of mugs up there that will tell you what is going on, night and day, when Brockway has red cheese. There was some one dying on Saturday night, for Sunday morning, and do not forget to follow me, and you will find my words truth. Keep your eyes on this place for

six months to come, hanging is to good for him. He ought to be dropped long ago. He made his dust by it, and let them give some one also a show.

Yours truly.

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No. 800.

Sept. 28, 1893.

Dear Sir.— When I came to this place I was a round, healthy man. I have been here sixteen months, and now I am entirely deaf and broken down in health. The reason of it all is being spanked, as you are termed to call it. I call it murdering. I have been murdered twice, namely: Once for mocking a number on a shirt, and the second time the giving men socks with wholes in, for which I was flogged in, and when the officer came to take me down to the bath-room I hit him in the eye, because I know that the law does not allow flogging in any prison in this State. I have been in State prison before, and for that reason can make a parallel, and even if I do live to get out I can not get work anywhere, people do not want a deaf man, so the only thing I can do is to go to stealing again, so that you see I am ruined for life, and I do not think this place if going to do me any good. I think I would get along better in States prison. I could earn my good time, at least, which I can not take here. Where I was imprisoned before I made my good time, and I am sure I could make it this time if I was drafted to States prison. A favor which I ask of you, it is in your power to do so if you want to, you will only be making a better man of me. If I stay my time out here it will only discourage me, and I will go to stealing again. Please see if you can not do me this favor.

Yours truly.

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No. 801.

Sept. 26th, 1893.

Your Honor.— Having an opportunity to express my opinion about the management or treatment of the inmates of this institution, I will briefly say that as long as I am confined in this institution I was treated fairly, having tried to follow the rules and regulations of this institution. Having heard so much of the brutality used toward some other inmates, I think that if every man would try to obey the rules, or has tried, he can surely say

that he was not treated wrongly. I have never seen any brutality done to any inmates of this institution. I think and I know that there are some inmates confined here who never have any education or parental bringing up, living outside on streets nights as toughs, and never seen or introduced into good society. Such men when they are subjected to a strict discipline are naturally opposed to all such rule or regulations, and what will be the consequences or rather should be the consequences, a much severer discipline. I knew men such as I would not call them, they have not got as much shame in themselves as animals, could they be treated like men if they act like beasts? Your honor, I will say this, that every man can find in here and knows the rules and regulations of this institution, tries to follow these rules to the best of his ability, he will not find any trouble whatsoever.

Yours very respectfully.

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No. 802.

Sept. 26th, 1893.

Dear Sir.— It is with great pleasure that I write these few lines to you, stating the truth, and nothing but the truth. I am here in the reformatory 14 and one-half months, and I am kept here on accounts of the reports. I have not been in any crooked deal since I have been here. Lately I have been behaving right, and these last three months I did not lose a mark in reports, only in school. I have lost one mark these last two months, and the genl. supt. gave me my last call for failing in school, and I do not think that it is right to keep a man here for school. Nobody knows the harrows of this institution, only the inmate. The inmate officers do not know what they are reporting other inmates for. They only do this so as they can get home and out of the hole. A man can get along under (?) officer. If a man gets caught with a small piece of tobacco, he gets put in the guard-house and taken down to the bath-room and severely punished for it, and if he happen to find it, and he says he found it, he will be taken down to the solitary and chained down hands and feet and only get bread and water to eat. The food that you here is not fit for a dog to eat. Red-suit men only get bread and water and molasses to eat. The hash what we get in the morning is no good, the soup that we get at dinner is no good; the men in the bad do not get as good a chance as a private in this. The rest-cure gallery is next to the solitary, for its torture. Behind its screen doors a man only gets two meals a day, bread and water. The inmate officers in this institution, when they

report a man they generally put a private up to stick to him in the case the man sends back the report. The colonel, who always investigates reports, what we men send back, if you tell the truth and it is a false report, and he takes a liking to the officer, the man that sends back the report will get a report that causes him to lose a mark and probably put him in a red suit. A man in this institution does not get fair play. My maximum is five years, and I would rather do my whole five years in States prison than to do two years in this hole. A man should be allowed to use tobacco in here, and they would not have half so much trouble. And a man should be allowed to receive letters every month, instead of once in two months.

Yours respectfully.

(Two inclosures)

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No. 803.

Hon. Oscar Craig:

Sir.—I have nothing to say, with thanks.

Your obedient servant.

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No. 804.

26, 9, '93.

Hon. Oscar Craig:

Sir.—Allow me to preface what I am about to say by the statement that I am a U. S. prisoner, and as such, I have nothing to gain or lose by anything that I say at this time. I have been here now nine months, and during that time I have been in some pretty bad scrapes, but I have never been punished when I did not deserve it, and never was punished in a cruel or severe manner, and as far as I am personally concerned, I have nothing to complain of. I am a man of good education and not altogether a fool, and am able to appreciate what is being done here, and the only cause I have to be sorry for is that I have done anything to embarrass those in authority here.

Very truly yours.

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No. 805.

Dear Sir.—Many inmates are kept here by fellow-inmates. The commissioned and non-commissioned officers got too many privileges. I think it is very unjust that I am kept here for the sake

of several inmates, who do not like me personally. These inmate officers can give us as many reports as they like, if we send them back, 99 out of a 100 we will get a first-class report, if they are just or not. So we are actually kept here longer and longer, until our maximum term expires, by fellow prisoners. This is a very unjust thing. If it wasn't for these inmate officers many of us would be able to regain their liberty before their time is up.

Yours respectfully.

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No. 806.

German letter. Not translated.

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No. 807.

Gentlemen.—There is only one thing I have to say about my treatment here. The "colonel" gives too much authority to certain inmates, who are corporals, sergeants or other military officers. If any one of these inmate monitors has a grudge against a man he can give him a bad record in spite of anything to the contrary, for the colonel will take the word of one of them before that of any two or three privates. I am speaking from experience. It seems very foolish to put one man over other men, when he can not control himself. I belong to the band, and have been an instructor in the school of letters since I came here, but I am in the "red grade" for the second time, just through the malicious and mischievous work of some of my fellow-inmates who are placed over me.

Very respectfully.

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No. 808.

9, 27, '93.

Hon. Oscar Craig:

Sir.—I think I have received very harsh treatment that I did not deserve. I was brought in a room and made to admit to false statements with threats of getting a new trial, and Mr. Hoppe said to me, "If you do not we will take you to the bath-room and flog you until you do." That means you would get kicked around, and your eyes blackened, and put in solitary confinement. Also in June I was flogged for one yellow report

for talking. Immediately after being sick for five days, and threatened with getting my head bursted. I was also tried by a supposed court-martial which was only a farce, the two leaders of which were ex-prisoners, and one of them one of the biggest rascals that was ever born. You don't understand the working of this institution. One inmate officer, if he wishes to have revenge, reports another man unjustly and then gets a couple of friends to prove it. This may never reach you, but if it does I hope I will get redress.

Yours respectfully.

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No. 809.

Sept. 26th, 1893.

Sir.—You ask me to tell you if I ever was punished in this institution. Well, I was in the red grade 18 or 20 months. Never got any tea, only cold water. Was spanked for laughing. Four raps on the back, also for having tobacco in my possession. This time I got more than I was able to count. Never was in solitary, only as far as the reception room. I can not tell you any more. I am willing to stand by what I say. I would like to get my short time. I am here going on three and one-half years.

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No. 810.

Dear Sir.—I have been here four years the 21st of October, 1893, and had a hard time of it. They put a man in the red suit for school, and when he puts you there he won't help you one bit. I was in the red suit 13 months at one time, and in all 24 months. I have been punished once, and that I did not deserve. Some of the officers will report you here whether you deserve it or not. I got 10 years and am trying to get along. He gives others a chance to get home and he won't give me one chance. This is the hardest prison that I know of. I have told you the best way I know. I do not know how to explain it in writing, but I can talk better than I can write. This is all, so I will bring my note to an end.

Yours truly.

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No. 811.

Mr. Oscar Craig:

Sir.—I have been spanked five times and in the red grade three times, and now I get spanked for every yellow report I get for talking. I would have been home only for school; I

have learned how to read and write a little. I have been here 25 months, and I would like to be home with my folks. I have learned a good trade. We get molasses, salt and vinegar to eat. On Christmas we get chicken to eat. When Mr. Brockway takes me down to the bath-room to lick me he makes me keep my head to the front. If I don't he will strike me on the head and make a lump. He struck me once and I seen stars. Red suit men do not write home. Black suit men write once in two months, and blue suits write once a month. I can not learn to add. I am getting along nicely and I hope school won't keep me here. This is all.

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No. 812.

Sept. 26, '93.

Gentlemen.—I write a few lines to you and the committee and am glad to do so. I am here two and a half years, and could have been home long before if I had behaved myself, which I did not do. If I had followed the rules and regulations of this place I would be enjoying myself to-day, but no, I foolishly stuck by other people and kept myself here. I have been spanked a few times, but I deserved all I got, and I don't blame anyone, and am glad I did get spanked, for it has put me on the right path, and I now hope to conduct myself like a gentleman and will prove it to the superintendent also. I have no fault to find with the supt. as long as I am here. He only did his duty like a gentleman, and as any gentleman should in such a trust as he is placed. There are some people here would kick if they were dead. It is a pity they ain't fed on pie and chicken, and they would be satisfied. I hope this will be a favorable answer, and hope to hear one from you. I remain.

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No. 813.

Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—In answer to the request made this evening, I truthfully state that this institution has benefitted me greatly in school especially. I can not say that I have been ill treated in any way. I was punished twice, but in each case I deserved it. I have been here 33 months, and in all that time have known of no ill-treatment such as you speak of.

Yours respectfully.

No. 814.

Elmira, Sept. 26th, 1893.

Hon. Oscar Craig:

Dear Sir.— As long as I have been in the reformatory I have been treated better than I expected to be, and know if I mind my own business and do what is right I will find no trouble in getting along, but allow me to say this, that if some of these inmate officers were not given so much power over other inmates I think it would be little better, as they have too much to say, even more than a regular citizen officer. Mr. Brockway has not used me wrong in any way, as I can only tell the truth, this is it.

Yours respectfully.

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No. 815.

Sept. 26, 1893.

Gentlemen.— Your honored sir, I wish to inform you of my case. I have never been paddled, but I have just been reduced from the upper first rather than to lay in the solitary for 20 or 30 days, and to be taken to bath-room and get spanked daily and made to tell some things, so, therefore, I was driven by being put in the solitary for fifty hours, chained to the floor rather than to stay there any longer on bread and water I admitted to falsehood, which have imprisoned me for 15 months longer making me serve three years at least, and are causing me to become a feeble-bodied man by over-work in the foundry, as head beater. Before I would be willing to stand the treatment here I would be willing to go to State's prison for five years longer, with any charge.

Yours truly.

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No. 816.

Elmira, N. Y., Sept. 27th, 1893.

Hon. Oscar Craig:

Dear Sir.— I am convicted here for grand larceny, second degree; five years charge. I was in the black suit twice and am in the red my second time, but it is my fault and not through Mr. Brockway's. When I was in the red suit before I was down and got spanked six times in seven months, for my task being short, and the last time I went down I came out and did my task, and to-day I can do my task in any part of my shop, where before I could only do two from four hours work, of course I used to

work on the farm at home and was used to fancy work, but I learn and still learn, and still further, I think Mr. Brockway only does his duty. He is here to keep order and order he has got to keep; and if inmates do what is right with him he would do what is right with them, and I do not think he had ought to be blamed at all, but I have got reports I did not deserve, but how does he know it? He was not the man that got the report or gave it to me. All he knew as when it was sent to him, and I can not blame anyone but myself for getting them, and on the whole when I look back I think it did me good, that he did spank me, for it has made a man of me. I could not say any more about him if I was to get a reward.

Yours ever.

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No. 817.

Tuesday, Sept. 26th, 1893.

Hon. Mr. Craig:

Sir.—I have nothing to say at present. I know that I have been treated as well as I intended to be, for I had not a common school education, and now I am up in one of the highest classes and also have learned a trade that will help me along, and if I had not been sent here I would be totally incapable of earning a living, and as far as I am concerned Mr. Brockway has treated me more than I expected of him, and as I have no more to say at present, I remain.

Your obedient servant.

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No. 818.

Sept. 26th, 1893.

Hon. Oscar Craig:

Sir.—I have no complaint to make of my treatment here whatever.

Yours truly.

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No. 819.

Sept. 27th, 1893.

Dear Sir.—I have nothing to say against Mr. Brockway, only he gave me a thrashing, but I deserved it, and he would not inflict any punishment on any of the inmates unless they

deserved it. This is only right. If they were good men they would not be here. Mr. Brockway is the right kind of a man to have in a place like this, and perhaps they will not get another like him.

Yours truly.

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No. 820.

Sept. 26th, 1893.

Dear Sir.—As I am required to tell how I was treated while at the reformatory, as for the length of time that I have been here, I can't say that I have been treated badly by Supt. Brockway. He has treated me as a gentleman, and I always expected him to do the same in the future, which I believe he will.

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No. 821.

Dear Sir.—I am not here but five months and have not a word to say.

Yours truly.

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No. 822.

Elmira, N. Y., Sept. 26th, 1893.

To Hon. Oscar Craig, Secy. Investigating Committee:

Gentlemen.—I wish to state I have been confined in this institution since August 16th, 1891. Gained upper first grade in Sept. 1st, 1892. I was reduced to the third grade and subjected to physical punishment on January 27th, 1893. The treatment I received at this time was without doubt not only cruel but inhuman. I was taken to the bath-room and received said treatment from the hands of Mr. Z. R. Brockway, assisted by Mr. Sample. I was flogged with a heavy leather strap which has been soaked in water, and I was not able to lie upon my back in sleep for several nights. I was again subjected to this treatment on May 23d, though on this occasion I was not only entirely innocent of the charge preferred against me, but was afforded no opportunity to prove my innocence, but I still have a greater complaint to make against the system of inmate monitors. This system is not only a farce as far as discipline is concerned, but leads to the vilest practices

among the inmates. Young boys sent here are compelled by those who are placed in authority over them to submit to their wishes, and failing to do so, are, so to say, drowned out by reports. Also, a man can break the rules with impunity if he can secure tobacco to bribe the inmate monitors with. It was through one Captain (?), who was in authority over me in January last, that I lost the first grade. I was compelled to comply with his wishes and supply men with alcohol, or he would have caused my reduction by reports. I also wish to state here that those who have the most cause to complain against the treatment of Mr. Brockway are to be found in Auburn and Clinton State prisons. Also in Auburn and Mattewan insane asylums. This method of receiving written complaints also bars many at present confined here from making complaints, as many can not write who have received the worst treatment. As my paper has run out and as the time allowed does not permit of a detailed account, I should be obliged to you for a personal opportunity to express my complaint. Hoping to have this request complied with, I am,

Yours respectfully.

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No. 823.

Elmira, N. Y., Sept. 26, 1893.

Hon. Mr. Craig:

Dear Sir.— In behalf of myself I think I could let you know better in a personal interview what I have to say in regards to my being detained here for nearly three years, and no prospects of getting out before another is over my head, for I have recently come out of the red suit, after being in it for six months, not through any fault of my own, either, as I can fully explain. Everything is done in the neatest possible way here by the supt. and his officers, especially Mr. Woolley and Colonel Bryan. They do all the "red tape" work, and Mr. Brockway approves. If you want a man from one shop to another, or to see his friends, if visiting, you must have Mr. B. signature, but that is not what I want to talk about. If you give me an interview I think I can explain why I was unjustly treated. Hoping you will oblige, I remain,

Yours respectfully.

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No. 824.

Dear Sir.— I have been here near sixteen months. I have been in the red suit twice. You get no tea in the red suit, but water all

the time, winter and summer, but I managed to keep away from the bath-room, but saw serious cases come out of it. The colonel we have here says if you do not deserve a report send it to him and he will investigate it, but if the officer of the institution tells the colonel you deserve the report, you can not convince him you don't. You receive a first-class report, one dollar, for denying true report. The colonel's investigation is to make you believe you are getting a fair chance. The monitors are most inmates and report other inmates for fear of getting reported themselves, and that is what kept me here, and what will keep me here. If I got a fair chance I would be home in one year.

Yours respectfully.

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No. 825.

Mr. Craig :

I have been working in the foundry for a year and a half, and I think that it is too hard work for me in the summer, and when I get my task up and get my floor poured off I feel so tired that I can't hardly move. I am trying very hard to get along, but the foundry work is too hard for me. I behaved myself since I am in the institution, and don't see why Mr. Brockway put me in the foundry. I like to work if I am able, but I don't think it is right to put a boy at a man's work. There are men in some of the shops that are able to put up the task. I am 19 years old and, Mr. Craig, I wish you would please look into the foundry and if some of your men had to do a hard day's work as some of us boys I think you would wish you were never born.

Yours truly.

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No. 826.

Hon. Oscar Craig:

Dear Sir.—In order to assist you to make a correct deduction from your investigation, I hereby express my own experience and belief. During my period of detention which covers the past two years and six months, I have undergone at different times some very questionable and at other times decidely unfair treatment. To name an instance wherein occurred a gross miscarriage of justice, I would say that my reduction to the New 2nd Grade in April last was entirely undeserved. Through the purely personal enmity of a citizen workman who deliberately used the

reporting system as a ventilation for his spite. The reduction has caused me many months imprisonment which I have no idea of ever making up. I only want to say that a man is perfectly powerless before the word of his superiors whether that superior be an inmate or citizen.

Respectfully yours.

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No. 827.

Sept. 26, 1893.

Sir.— A man don't get justice. If you get a report wrong and send it back, you will get no thanks, but get a first-class report for lying. I was paddled twice, once on the twenty-sixth of February. They said I was fooling in shop. I got a black eye every time he hit me. He knocked me off my legs, and I got paddled again in June some time. They would not treat a dog any worse than they treat a man when you go down in the bath-room. The food ain't fit to give to any man, what you get in the red suit. I was told when I came here I would stay only one year, but I am going on twenty months and as bad off now as the day I came here.

Yours truly.

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No. 828.

Sept. 26, 1893.

Last summer I was under an inmate and had a very hard time of it. He said, and he did put me in the red grade. I was run in by him, and let go by a first-class report. When you get a report that is wrong you send it back, and you will be very sure to get a first-class report. If everything don't suit the colonel, he will call you a damn liar, and all such names. He has called me them more than once when I sent a report back. And then one day he called me up to ask me another inmate's forgiveness for reporting me, and said if I didn't ask his forgiveness he would lock me up, and the superintendent would break my back. They are the words he told me. If you think that is all right I would like to know it.

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No. 829.

Dear Sir.— As you ask my testimony in this case, I will say this much, that I have been treated well so far, but I have had the red

suit since my stay in the reformatory for lost marks in school. I do not think any man is to blame for what he does not know. Beyond this I can say nothing as to Mr. Brockway's doing with other inmates, only from hearsay, and I have not had any trouble since I have been here with Mr. Brockway, or any officer of the prison. I think Mr. Brockway is a square man in all cases that I have known of while here, except in case of school. On my part I think there should be something said about it, if a man can not pass in school he stays here his time for what he don't know.

Yours truly.

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No. 830.

Dear Sir.—I have been here five months, and have no fault to find, because I obey the rules of the place.

Yours.

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No. 831.

Elmira, N. Y., Sept. 26.

Dear Sir.—The only harsh treatment that I have undergone since being in this institution was from ex-Col. Halpin, who hit me in the face twice, because I would not say yes when he asked me whether I gave a young man in here some tobacco, of which I was quite innocent. I have got along well otherwise.

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No. 832.

9, 26, '93.

Dear Sir.—I have been treated justly by the supt., and have no grounds to complain.

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No. 833.

Hon. Oscar Craig:

I am, as you will read this note, a convict like all the rest I have been punished down in that bath-room with the strap when I hardly deserved it, and while waiting for punishment I have seen the men carry out the boys from the bath-room when they were near dead; that is, their face all cut up and

hind part so sore that they could not sit down, and I have been one of them. I should think that was cruelty. I know one man who was in good health and he worked in the printing office. His name was Murray. He died from the effects of spanking, because he said, "Well, I am a goner." He told that to me when he was laying in sick. Hon. Craig, I was in the red suit nine months without a drink of tea or coffee, let alone milk. I should think that was cruelty, for not giving the workingmen something hot to drink in the morning. I may write a little out of the way, you will think, but it is the truth and nothing but the truth.

Oblige.

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No. 834.

(Not intelligible.)

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No. 835.

Mr. Chairman:

I have a broken hand, I can not write, but can be seen by sending for me. This paper is too small. I would at least 40 such sheets for the truth of my statement. Please send and have an interview with me as I can not write with my left hand, and oblige.

I work in the foundry.

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No. 836.

Elmira, Sept. 26, 1893.

I will state my case plainly and in a clear manner. Col. Bryan detected the odor of tobacco on my breath while in conversation with him. He accused me of chewing tobacco, which I did not deny, although at the time I had no tobacco in my mouth. I was asked where I had got the tobacco and said in truth that I had picked it up near the entrance of dining-room. I was taken before Mr. Brockway and told him the truth and he order me to what he termed solitary confinement. I was kept there ten and one-half days excepting every day my release. I was taken from my former position as monitor in dining-room and placed in iron foundry my former good behavior I believe crossed out. Now I will not say it was an unjust act, but a case of another inmate with tobacco on his person for which he received a yellow or 30-cent report; you can use your judg-

ment; I speak the truth; this man is fond of tobacco; he receives no punishment virtually; I am allowed ten days solitary reflection and loss of at least three months; you can form your own idea.

P. S.—I believe in your investigation you will find tobacco the root of all the troubles, more or less.

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No. 837.

Dear Sir.—I am a working in the foundry and have got to work hard for the food I get, I have got to eat bread and water until the first of the month for supper and the same for breakfast except a small bit of hash, I get not enough to put on one slice of bread, I think that we ought to get a little bit better for the work that we have to do.

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No. 838.

Sept. 26, 1893.

Mr. Craig:

In regards to this examination I have nothing to say, I have done my best to live to the rules of the reformatory and I have been treated right.

Respectfully yours.

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No. 839.

Sept. 26, 1893.

Hon. Oscar Craig:

My stay in this institution has been a punishment to me as I could not expect any better, have been through one battle in the bath-room, have got a very weak constitution, I find it hard for me to get along. School has been holding me back considerably and I do not have the privilege as a first grade ought to have. It is my desire to get out and become a citizen as I will close my letter I remain.

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No. 840.

Sept. 26, 1893.

Mr. Craig:

Dear Sir.—I have been here two and one-half years and I was never punished, I was never in a crooked deal since I have been here, the only think that keeps me here is reports, I always pass

in my other studies, when you get a report that you don't deserve and send it back the colonel will give you a chocolate and tell you your were lying.

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No. 841.

Elmira, N. Y., Sept. 26, 1893.

Hon. Oscar Craig:

Dear Sir.—I have received some very cruel treatment while at the reformatory, I was down in that bath-room twice and last time I was there I received some horrible blows, I can show the marks on my back yet. I have never received any satisfaction from the colonel. On the 29th of November, 1892, I broke my slate, I sent it down to the librarian to get a new slate, I receive a new slate and a second class report for breaking it. On the 29th of December, 1892, I received another slate and I did not write for one in the morning, I sent the slate back, the next night I received a second-class report, I sent the report back and the colonel investigated the report kicked me between the legs, called me a liar and the next night I received a chocolate report for denying it. I went up to see the superintendent about four or five times and at last got the report cancelled. I can state a few more cases about him but I have not enough room here, I remain

Yours truly.

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No. 842.

Elmira, Sept. 27, 1893.

Gentlemen.—I could not write to you what I should like to say I have not had a fair chance since I first came here unless I have a chance for a personal interview with you I am accused of an attempt to escape which is entirely wrong which I shall be able to prove if you will grant me an interview. Hoping you will consider this grounds for your attention, I remain,

Yours respectfully.

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No. 843.

Sept. 27, 1893.

Investigation Committee :

Sirs.—In writing my statement I wish to assure you that what I say will be the truth in every detail I state that on the 25th of July, 1892, I was given extraordinary physical treatment for an

offense as follows : In my shop while piling lumber an inmate officer threw a piece of board in my pile and I picked it up and threw it aside; the officer immediately charged me with throwing it at him or to hit him, and I honestly say that I had never such a thought enter my mind, but the words of the officer seems to be sufficient to convict me and I was pounded by the General Superintendent Brockway; he certainly knew the offense he was punishing me for he pounded very severely about the limbs and kidneys with a strap until my flesh was torn and cut and blistered and bleeding. I was certainly in a state of sickness and misery for some weeks after; I only say that if that is not cruelty uncalled for and unheeded for benefit for help to me but to only satisfy a mania to the misery of others I only leave it to you to honestly judge.

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No. 844.

Sept. 27, 1893.

To Mr. Craig :

What I got to say is this : I came here on August the 5th, 1892, and I was in the second grade five months I went in the red suit on January on account of school; there was an officer who did not like me and he used to give me a good many reports for spite; then the superintendent used to take me down to the bath-room he did not spank me as he said smote me in the head with a club and jumped on my head; he had three keeper with him and the head keeper told me while the superintendent did the work that he was just as bad as the superintendent. I was brought down to the bath-room for one dollar about two weeks after that I was not able to walk, and when I come to find out I was ruptured all on account of the bath-room and I am not the same man now and this is the notice he sent me. I know three men that he killed in the past eight months no matter how sick you are the doctor will not do anything for you. Consecutive number 5463 was taken down to the bath-room for one yellow report thirty cents and was killed, and you will find that all I tell you in this note is true. The doctor will not do anything for me and I have a very bad neck.

(One inclosure.)

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No. 845.

26 — 9 — 1893.

Dear Sir.— I wish to inform you that I have not been treated right up here; I have been paddled ten or twelve times most outrageously just merely through the overseer that I was under.

You must excuse me as I can not write very well, but if you would be so kind as to grant me an interview with you I will explain to you all about the way I was treated here.

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No. 846.

I have nothing to say.

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No. 847.

I have nothing to say, as I have only been here one month.

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No. 848.

This is the only trouble that I can find, is that when a man sends a report back to Colonel Bryan that he gets nothing for it, that man.

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No. 849.

Sept. 26, 1893.

Gentleman.—I was taken to that bath-room on two different occasions and paddled, and must say that I was about used up.

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No. 850.

Hon. Mr. Craig:

Dear Sir.—I have not got much to say, I am here going on six months. I was in the blue suit once, and was reduced in grade on another inmate grade, he being a lower first grade man, and they believed him and not me. I have a first-class record and only four and one-half months to do. I ought to go before this board, as I am innocent of the charge they reduced me for. Look up my record and see for yourself.

Yours respectfully.

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No. 851.

Sept. 26, 1893.

Hon. Oscar Craig:

Sir.—Although I have never been punished by the supt. myself, I have seen some pretty hard cases come out of the bath-room. One man showed me where the supt. hit him on the backside with a strap, and I can swear that I have seen officers strike men here,

Go up and report to the supt. and he would only say that you deserved. One prisoner's word is not as good as another here. They will take a captain's word and punish you. If every prisoner was treated alike things would be better, and no trouble would be here. Send back a report, your word is not taken, but the captain has the whole benefit. You receive another report for sending it back, and probably you would get a red suit.

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No. 852.

Elmira, N. Y., Sept. 26, 1893.

Dear Sir.— When I go to see the supt. at an interview about my report, he would say, "What do you want, you convict?" He would take me down to the bath-room and lick me till my back was sore. When you first go in he will stand you up in a corner. Then he will read off the report to you. If you turn your head he will punch you in the face with his fist or get hit with a club. And one thing, I want you to know is that he sent two men away because he knew they knew him well than the rest of them. This is all I have got to say now.

Your loving friend.

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No. 853.

Sept. 27th, 1893.

Mr. Hon. Oscar Craig, Chairman of the Investigating Committee:

Dear Sir.— I now will state to you what I have been through since I have been in this institution. I was admitted to the reformatory on the 13th day of December, 1892, and on April 1st, 1893, I was reduced to the second grade, and ever since then I have had a pretty hard time of it. On June 28th, 1893, I received a three-marked chocolate, and was taken to the bath-room and received five of those horrid blows from that strap and every blow that the supt. gave me I thought that there was an iron bar falling upon me instead of a strap, but it would not be so bad if he would strike us across the rump. He aims for the small of the back and that is what makes short work of it. This is all I have ever had of the strap, and that is enough to remember for the rest of my life, and that is nothing to what some has received, that I say if it was not for the inmates that it would not have been such a place as it is now. The officers if you try to tell them when you are not to blame, for reports

that they give us, they will give us another, and just as many times as we reply they will give us reports. Half of them never had authority outside and when they get here and get charge they want to show that they have got the best of it, and we must not say a word; if we do they will chalk us in and then is when we get the fun with the superintendent. A great big whip or strap of rest, for if you try to keep from being knocked to pieces sometimes we forget all if we get $3.00 worth of reports in the red suit we are supported to the bath-room. So you can see the work of inmates officers. If this is supposed to be a place, it is far out of the way, for if they intended to reform a man here they had a right to treat a man as good as they do in States prison. They don't treat us as good as if we were in there. We could write home once a month and have tea and here we can not do neither. If we are in the red suit, and in the black only once in two months and there a man can have all the tobacco he wants to use and here if he gets caught with even one chew he has to suffer the penalty of that confounded bath-room, and if he hasn't got only one month he gets it just the same and if he may have his parole then he will be reduced to the red suit, and if he has been in the red suit before he will have to stay there six months, and then he can make a black suit and earn another parole. If I could have my choice I would take Auburn prison, and do my time over that I have to do here; that would be five in all that I would have to do since I have been here 10 months, and six months in the red suit. This is all I have got to say. I am,

Yours sincerely.

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No. 854.

Elmira, N. Y., Sept. 26, 1893.

Kind Sir.— I have not very much to say, but what will be sufficient for you. I have been flogged in the bath-room three different times, and each time was for only getting $1.00 worth of reports. Of course, if you understand how easy it is for us to get one report, by breaking a dish, and each dish was charged to me, fifteen and thirty cents. Not only that, but I have not got one report during the month of May, and I tried to make the black suit, but we have an extra supper on account of Decoration Day, and I was kept from school to set up the dining-room up alone, and when the end of the month came the failed me at school, and it kept me from making a black suit. Is that what

you call fair ? There is us dining-room men, working from four o'clock in the morning to all hours in the night, and all day Sunday, and then we are only charged with twenty-one working days in which the men in the shops have sleep all day Sunday, and have done at four o'clock in the afternoon, and charged with the same working days. If any of the men work in their rooms on Sundays they receive extra food, in which we do not, and when the end of their month comes there is an extra nine to help them along in their grade. What is more, I do not see why this institution should deprive a man from his tea and coffee because he is in the red suit, and above all things, he should not be deprived from receiving his letters from home. I should rather be in States prison than to be in this infernal institution, because a man knows when he is going home there, and he knows whether his folks are dead or alive, and then when his day's work is done it is done, and nothing to bother him. Here we have to worry every moment, the very moment we go to our rooms, because of the reports on very small offenses sticking in our door awaiting us. I only wish that I were out, in fact, maybe the time will soon be here when I will sue the State for the condition of my back and kidneys from punishment. I do not care what is said, there is no red-suit man in here that can not tell the same story. You claim that this is a reform school; I do not see that this is any way of reforming any human man.

Your servant.

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No. 855.

Elmira, Sept. 26, 1893.

Mr. Craig:

Sir.— I have not been spanked since I have been in the reformatory. I am now in the red suit, and I have been in the bath-room where he spanks all the men at. I could have been home now if the genl. supt. had given me my rights. I went to him several times, but he told me he would look it over. That is all of it. If he had given me my rights I would have been home now. He told me he would spank me. I have been trying to get along ever since I have been here, and I have been here sixteen months now, but I hope I will get home next year, if God spares me. Colonel Bryan has treated me like a dog. He will tell me I will let the old man settle that down in the bath-room. That is where he spanks us.

No. 856.

Mr. Chairman Committee:

All I got to say is, if they would give a man a fair chance in school and not put them in another class, when they can't get along in that class, and they put him in a higher class, and if a man stand side of you in your company and he is talking and the officer don't tell which one he is talking to, he will come and take your name and number, and if you say that you weren't talking he will give you another one.

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No. 857.

Hon. Mr. Oscar Craig:

Dear Sir.— I have nothing to say.

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No. 858.

Dear Sir.—The only complaint I have to make is about the food. I am in the second grade. I have to live on bread and water morning and night, and sometimes the bread is sour and stale. Often in the mornings I have a pain in the stomach from not getting anything hot to drink, and often can't eat the dinner they give us, and then I have to drink water and bread three times a day. I heard a visitor ask an officer of the reformatory, "What do the boys get for breakfast?" The officer replied: "Oh, they get steak for breakfast, and roasts and pie for dinner, bread, butter and tea for supper." All that I have ever seen is bread and something that looks like tea.

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No. 859.

N. Y. S. R., Elmira, N. Y., Sept. 26, 1893.

Hon. Oscar Craig, Chairman Investigating Committee:

As an inmate of this institution I think it is my duty to express to your board the great dissatisfaction which rests at present in my mind, although I have only been in the institution about five months. I now wear the adorning red, but I will say that there is only one person I can blame and that is myself, and perhaps the only fault I can find with our superintendent is, that instead of leaving me in the neutral grade for three months so as to

give me a chance to rise, I have been reduced to the first. When I came here I supposed I was like the rest; now I begin to get my eyes opened, and to think I shall have no more trouble as I am determined to make a parole in the least possible time, and to do this I find it the right way is the easiest, the same here as anywhere else, and I think that you will see the improvement already made by me by looking at the difference of my demeanor for the last two months and the preceding months. I have stated these facts to you so that you can take my opinion, as I sit here writing these lines I am astonished to hear the other inmates talk of the food we receive. About this I will state as for food I can not make no complaint. Of course we do not receive pie and cake, but we get good, substantial food, and any one who is hungry would not find fault with this at any time. I think I have said enough, and hope you will derive your own opinion and my views from these words.

Yours truly.

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No. 860.

I am here nineteen months and during my stay I could get along. When I sometimes lost about three marks the superintendent used to send me a notice which means if I lose a mark from that date he will take me down to the bath-room and give me a good spanking. I give you a specimen here which I just happened to have. Once I was using profane language to a man. I received a first class report and I was put in the guard-house. After dinner an officer took me by the collar and brought me in the bath-room. The superintendent read the report to me and then he told me to take my pants off and gave me a spanking with a leather or rubber belt. At the first blow it nearly took my breath away, and I could not sleep on the right side for about two weeks. They don't give you such a punishment in Sing Sing or in another prison.

(One inclosure.)

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No. 861.

Sir.— Elmira is a hard place to get along. It is all right for a man to come here, I mean a man that can get along in school. I can not get along in school. I am down in the red grade for the second time. I have the hardest task, and I always do it, and then I can not get along. We get up in the morning and take a drink of cold water. That is all. The hash, we can not eat it,

and we do not get any tea. I can say that I never was in the bath-room, but I have seen some of the inmates. When we are in the red grade we can not write home or see any friends. I wish that I could write home some time. I have got nothing to say about Mr. Brockway, but what we get to eat is not fit for a dog to eat. Give us some tobacco and it will help us along a great deal. It is hard for me to get along. I would like to be taken out of the red grade, as I can not earn a nine. I try hard to get along, but I can not pass in school. Please put me down lower in school and you will help me.

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No. 862.

26, 9, '93.

Superintendent.—I can not find any fault in here, but it is strict in here, and as long as I am in here I can't find any fault, but I would like to get some tea and coffee. I am in the red suit and don't get any, but as you say you are going to take me out of it I can't kick; all is what I got to say that I can not find any fault in here. I close my letter, as excuse bad writing. I can't say anything about the place, as long as I have been in here.

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No. 863.

Elmira, Sept. 26, 1893.

I have been treated in a very fair manner, but the food that you get here is not fit for to give to any man for a hard day's work, and I should think that with second grade men could get tea or coffee, just as well as a black-suit man, and cold water would not keep a man from getting sick. I wish the committee would see that justice is done and that we get proper food.

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No. 864.

I have been treated very badly, my flesh was cut like the butcher cut in flesh. He took me down to the bath-room and he spanked me very terriable, a horse don't get so much like I just got. We only live on bread and water. When I went in the black suit I was in the black suit six months. The first month I had an eight, and the second eight, then two months passed by and I had two nines; then I had done something very little wrong, and I

suffered for it, but then I was up to see the superintendent if he would give me another chance more to get another nine, but he says I will see about that; that is the way he let me know, with a nice red writ, and from that time I don't have any luck. I have good many reports for nothing, and I suffer for it very well. Here is one of the notices that I sent you.

(One inclosure.)

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No. 865.

Sept. 26, 1893.

Hon. Mr. Craig:

The general superintendent, that we inmates gets justice, I will have to deny it. You will see that on and after the fourteenth of September and before I was punished for striking the inmate officer; I have never got any justice for when I got a report that I did not deserve I sent it back to be investigated but I have never as yet got any justice from the investigation but it was the other day that I sent back a second-class report and at the investigation the truth was that I was not talking to the man I was reported for and the man said to himself that I did not say a word to him but what good did it do me as investigator asked Major Haskin the officer who I struck if I was talking he said yes; that was all there was to it; I received my second-class report back stands and a first-class with it the officer that gives me my reports tries so as to get me sent down to the bath-room and when I spoke to the general superintendent about it he would not listen to me so I don't call that justice.

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No. 866.

Elmira, N. Y., September 26, 1893.

Mr. Hon. Oscar Craig:

Sir.—I take the liberty to write to you on this piece of paper the treatment I received while in the reformatory at Elmira, as follows: Received at the reformation April 9, 1892, and placed in the lower first grade as I behaved myself for nine months I earned promotion to upper first grade have been in the upper first grade since the first of January, 1893, until the 14th of July, 1893, when the superintendent reduced me to the convince grade where I am still now the cause of my reduction is as follows: On July thirteenth my room-mate and I had a fight together; my room-mate told Col.

Bryan the next day and he got nothing and I got the red suit and a nine mark and a chocolate report; I should like to get justice about it as he was as much fighting as I and he got nothing I say that is wrong; now I am in the second-grade and can not make the blue suit again as I have three and one-half years more; I would like to go to States prison than stay here and get bread and water in the second-grade; I would like to have an answer.

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No. 867.

Elmira, September 26, 1893.

Hon. Oscar Craig:

Dear Sir.—The only fault I have to find of the reformatory is the taking of a man to the bath-room; I have been there twice and not only flogged as the superintendent calls it but while he was coming down on me with the strap a strap that threw me up against the wall every time that he struck me at the same time the principal keeper had me by the neck and choked me I think a man is punished enough when he is put in the red suit without taking him to that place called the bath-room and have the life half beaten out of him; what I say is true; I pity any man that has ever been there cause I know what it is; if once a man is reduced to the red grade there is no show at all for him. The least thing he does he is beaten something terrible if he loses a mark in labor of demeanor he is taken to the bath-room and flogged. I remain

Yours truly.

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No. 868.

Mr. Craig:

Dear Sir.—I have been here three years next October 21st and have been in the red suit two years of the time on account of the task in the umbrella shop I can not do the task and I get flogged for it. I have been flogged a good many times between fifteen or twenty times and am all scars to show for it I have not had a letter from home since last Christmas or sent one home; I don't have enough to eat; all I have for supper is bread and water and have not had a drink of tea or anything warm to drink for nineteen months; it is pretty hard to work in winter without anything warm and I get so cold that I can barely hold a needle in the shop; I get hungry but I don't get

enough to satisfy my appetite from one meal to the next and then when I get short in task I get chalked in and licked for it. It is for that that I wish to complain for the most; I have not been licked since March cause I was not on task all the time; when I am on task steady I get licked when I lose a mark or for four days shortage in task and I don't have time for my back to get well from the cuts before I get another licking; I get seven or more cracks and each one generally cuts to the skin so that I bleed; I can't sleep on my back; I have asked for a change of work, but I can't get it; I can't do the task; I have tried and work so hard that I could scarcely stand up and then I would be short after all; I am willing to work and where I am can't do it if I had to stay here for life; I am worse off here than in States prison; I also actually suffer for tobacco. I used a great deal outside and now I can't get any tobacco at all; I would like tobacco to chew but I can't get it; a man should be allowed to have tobacco; it caused a great many men to lose their grade and if they had it they would not have to get themselves and others in trouble; I have two notices which were sent to me by the suprintendent and will send them with the complaint.

(Two inclosures.)

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No. 869.

Elmira, N. Y., Sept. 25, 1893.

Gentlemen.—Inclosed please find the small allowance of complaints I have to make; in the first place the way I get treated is none too good for me, as a man that would rob a church society; the treatment he gets here is not too worse; I have never had a flogging as they call it, although I am in the red suit, but to tell the truth I got put in this grade by inmate monitors, such as captains, etc., who had a grudge against me for what I do not know and I think it is not right to let one inmate fine another; they give you a report and you send it back; you get called up and nine times out of ten you have another dollar given to you for sending it back, so I say do away with that inmate fines and there will not be half the trouble there is; if a captain don't like you he will have you in a red suit as quick as he can because his word goes ahead of yours as yours in a red suit they won't believe you, I can get the best of him, banner him up, he is no good, get him out of this company in the red suit and believe me this is the way all the fight comes from some fellows having a

grudge against you so what can you do but say I did not do it and he says you did so there you whose word does he take nobodies but the monitor or captains, etc., and they know that and they give you a report for grudge sake or to get even with you, I say this is not fair, every day two or three men get chalked in for hitting a monitor for giving you a report you do not deserve, then you go down to the bath-room and if you say he gave you a banner for nothing they say to take down your pants and get ten or twenty right hard blows on the kidneys for that is where he hits you every strike is no good thing. Hoping you will straighten this matter, I remain.

Yours truly.

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No. 870.

I think it is very cruel the way they treat us here, I am here only a little over five months and he punished me ten times and he had my head black and blue because I could not stand it on my back and every time he hit me on my back I thought I was going to split in half and when I told him I could not stand any more he told me to turn my head and I was going to do so and he hit me on it and it was black and blue for a week, the man has no heart he can see that a fellow was dying and then he would punish him, I like to be transferred to State prison for I can't stand the way they treat me here, I never will be able to earn a parol in this place, if my father knew how this place was he would not have sent me here.

Yours truly.

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No. 871.

27—9—'93.

Sir.—I am in this institution for a five years' charge and have served four and half of it so far not by any means of my own either, I have been reduced on the evidence of prisoners the same as myself and not even given a fare trial to clear myself or convict myself but put in the red suit and kept there, been given no chance to redress myself, if not in report it has keep me down on failure in school, when other people have the same chance have advanced to a higher grade, I have also been paddled at the bath-room, been given no chance to clear myself in any way for evidence, you can see I have studied hard to get the

black grade, so as to receive a letter from my wife and child, to find out whether they are alive or not. I received a nine, but do not receive any benefit from it, when there is men who receive six and eight, and where I wear a red suit; I do call this injustice. I am a married man, and would like to hear from my family once in a while. I do not see the change I dropped from worse than those men who commit crime against nature. They are allowed to climb up, and I try to get high marks and am kept down. I would like a little justice shown me in more respects. I have received no so many paddlings as many, but I receive that which is worse than that any people receive in slavery times. If you call that reforming men, in injuring their kidney and spinal column, I do not want any more of this treatment for me.

Yours truly.

I would like to have a little manly principal shown to me if I am a black man, and have feeling as well as my white friends, and I appreciate those of each men. I would like to receive letters from my folks, to know whether they are dead or alive. Please to show a little respect for a man's family, if not any more. Of course I do not expect to receive any short time, but I could receive a little better treatment and a little better something to eat, instead of bread and water, that I have lived on for a year and a half, and I can't get sufficient treatment from doctor, but always can get my character raked over to the best of my ability. Of course, I do not claim that I have been altogether perfect, but I have been treated to solitary confinement for three or four days, then I have had to tell a falsehood in order to get out of the punishment we receive for offenses I have been charged with, because the treatment that men have received is fit for no man to subject himself to, if he thinks anything of his physical body. It is a sight to a man, black and blue stripes over his kidneys. So I have tried to get out over this means.

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